

THE TWO
CHARTERS

Granted by

King *CHARLES* II^d.

TO THE
PROPRIETORS
OF

CAROLINA.

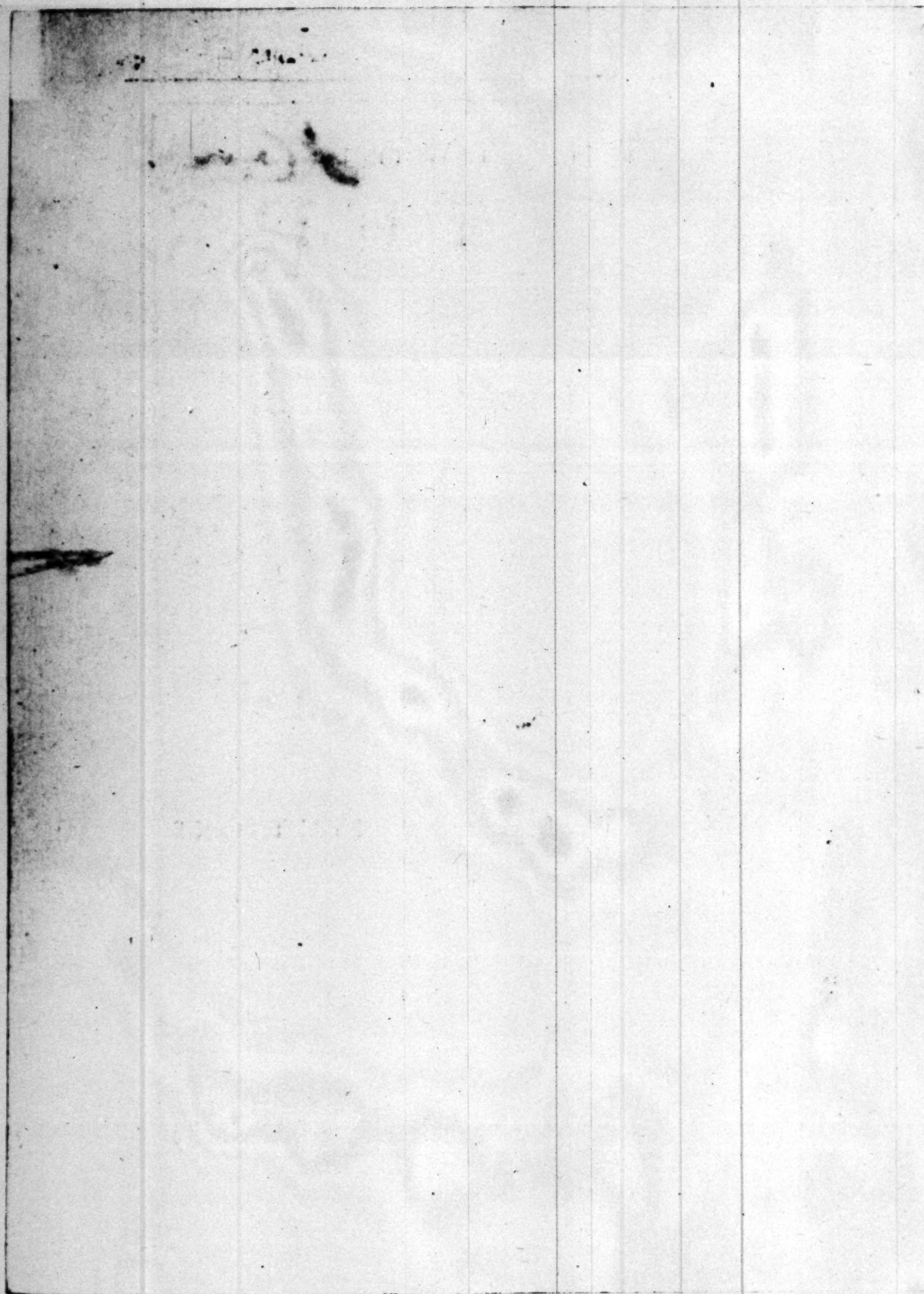
With the First and Last

FUNDAMENTAL CONSTITUTIONS
OF THAT

COLONY.

L O N D O N :

Printed, and are to be Sold by *Richard Parker*, at the
Unicorn, under the *Piazza* of the *Royal Exchange*.



THE FIRST
CHARTER

Granted by

King *CHARLES* II^d.

TO THE
PROPRIETORS
OF
CAROLINA.

CHARLES II^d. by the Grace of God, &c.
To all to whom these Presents shall come Greeting.

Whereas, our right Trusty, and right well-beloved Cousins and Counsellors, *Edward* Earl of *Clarendon*, our high Chancellor of *England*, and *George* Duke of *Albemarle*, Master of our Horse, and Captain General of all our Forces; our right Trusty and well-beloved *William* Lord *Craven*, *John* Lord *Berkeley*, our right Trusty, and well-beloved Counsellor, *Anthony* Lord *Ashley*, Chancellor of our Exchequer, Sir *George Carteret* Knight and Baronet, Vice-Chamberlain of our Household, and our Trusty and well-beloved, Sir *William Berkeley* Knight, and Sir *John Colleton* Knight and Baronet, being excited with a laudable and pious Zeal for the propagation of the Christian Faith, and the

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Enlargement

Enlargement of our Empire and Dominions, have humbly besought Leave of us by their Industry and Charge, to transport and make an ample Colony of our Subjects, Natives of our Kingdom of *England*, and elsewhere, within our Dominions, unto a certain Country, hereafter described, in the Parts of *America* not yet cultivated or planted, and only inhabited by some barbarous People, who have no Knowledge of Almighty God.

And whereas, the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carterett*, *Sir William* *Berkeley*, *Sir John* *Colleton*, have humbly besought us to give, grant and confirm unto them and their Heirs, the said Country, with Priviledges and Jurisdictions, requisite for the good Government and Safety thereof. Know ye therefore, That We favouring the pious and noble Purpose of the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carterett*, *Sir William* *Berkeley* and *Sir John* *Colleton* of our special Grace, certain Knowledge and meer Motion, have given, granted and confirmed, and by this our present Charter, for Us, our Heirs and Successors, do give, grant and confirm unto the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carterett*, *Sir William* *Berkeley* and *Sir John* *Colleton*, their Heirs, and Assigns, all that Territory or Tract of Ground situate, lying, and being within our Dominions in *America*; extending from the North End of the Island called *Lucke Island*, which lyeth in the Southern *Virginia* Seas, and within six and thirty Degrees of the Northern Latitude; and to the West as far as the South Seas; and so Southerly, as far as the River *St. Matthias*, which bordereth upon the Coast of *Florida*, and within one and thirty Degrees of Northern Latitude, and so West in a direct Line, as far as the South Seas aforesaid; together with all and singular Ports, Harbours, Bays, Rivers, Isles and Islets, belonging unto the Country aforesaid. And also, all the Soil, Lands, Fields, Woods, Mountains, Farms, Lakes, Rivers, Bays and Islets, situate. or being within the Bounds or Limits aforesaid, with the fishing of all sorts of Fish, *Whales*, *Sturgeons* and all other Royal Fishes in the Sea, Bays, Islets and Rivers, within the Premises, and the Fish therein taken. And moreover, all
Vaines,

Veins, Mines, Quarries, as well discover'd as not discover'd, of Gold, Silver, Gems, precious Stones, and all other whatsoever; be it of Stones, Metals or any other thing whatsoever, found, or to be found within the Countries, Isles and Limits aforesaid.

And furthermore, the Patronage and Avowsons of all the Churches and Chapels, which as Christian Religion shall increase within the Country, Isles, Islets and Limits aforesaid, shall happen hereafter to be erected; together with License and Power to build and found Churches, Chapels and Oratories in convenient and fit Places within the said Bounds and Limits; And to cause them to be dedicated and consecrated, according to the Ecclesiastical Laws of our Kingdom of *England*; together with all and singular, the like, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities and Franchises, of what Kind soever, within the Countries, Isles, Islets and Limits aforesaid.

To have, use, exercise and enjoy, and in as ample Manner as any Bishop of *Durham* in our Kingdom of *England*, ever heretofore have held, used or enjoyed, or of right ought, or could have, use or enjoy; and them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns. We do by these Presents, for Us, our Heirs and Successors, make, create and constitute the true and absolute Lords and Proprietors of the Country aforesaid, and of all other the Premises, saving always the Faith, Allegiance and Sovereign Dominion due to Us, our Heirs and Successors, for the same; and saving also the Right, Title and Interest of all and every our Subjects of the English Nation, which are now planted within the Limits and Bounds aforesaid, (if any be:) to have, hold possess, and enjoy the said Country, Isles, Islets, and all and singular, other the Premises to them, the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns for ever, to be holden of Us, our Heirs and Successors, as of our Mannor of *East Greenwich*, in our County of *Kent*, in free and common Soccage, and not in Capite, nor by *Knights Service*, yeilding and paying yearly to Us, our Heirs and Successors, for the same, the

Yearly Rent of Twenty Marks of Lawful Money of England, at the Feast of *All Saints*, Yearly for Ever. The first Payment thereof, to begin, and to be made on the Feast of *All Saints*, which shall be in the Year of our Lord One Thousand Six Hundred Sixty and Five, and also the fourth Part of all Gold and Silver Oar which within the limits aforesaid, shall from Time to Time, happen to be found.

And that the Country thus by Us granted and described, may be dignified by us with as large Titles and Priviledges as any other Parts of our Dominions and Terretories in that Region. **KNOW Ye, That We of Our further Grace, certain Knowledge, and meer Motion, have thought fit to Erect the same Tract of Ground, Country and Island, into a Province, And out of the Fullness of Our Royal Power and Prerogative ; We do, for Us, Our Heirs and Successors, Erect, Incorporate and Ordain the same into a Province; and do call it the Province of *CAROLINA*: And so, from henceforth, will have it called. And forasmuch as We have hereby made, and ordained the aforesaid *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley and Sir John Colleton*, their Heirs and Assigns, the true Lords and Proprietors of all the Province aforesaid. **KNOW ye therefore moreover, that We reposing Especial Trust and Confidence in their Fidelity, Wisdom, Justice and Provident Circumspection for Us, Our Heirs and Successors, do Grant full and absolute Power by virtue of these Presents, to them, the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley and Sir John Colleton*, and their Heirs for the good and happy Government of the said Province, to Ordain, Make, Enact, and under their Seals to publish any Laws whatsoever, either appertaining to the publick State of the said Province, or to the private Utility of particular Persons, according to their best Discretion, of and with the Advice, Assent and Approbation of the Freemen of the said Province, or of the greater Part of them, or of their Delegates or Deputies, whom for enacting of the said Laws, when and as often as need shall require, We will that the said *Edward Earl* of****

of *Clarendon*, *George Guke of Albemarle*, *William Lord Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carterett*, *Sir William Berkeley* and *Sir John Colleton* and their Heirs, shall from Time to Time, Assemble in such Manner and Form as to them shall seem best, and the same Laws duely to execute upon all People within the said Province and Limits thereof, for the Time being, or which shall be Constituted under the Power and Government of them, or, any of them, either Sailing towards the said Province of *Carolina*, or, returning from thence towards *England*, or any other of our, or Forreign Dominions, by Imposition of Penalties, Imprisonment, or any other Punishment; yea, if it shall be needful, and the Quality of the Offence requires it, by taking away Member and Life, either by them the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Lord Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carterett*, *Sir William Berkeley*, and *Sir John Colleton*, and their Heirs, or by them, or their Deputies, Lieutenants, Judges, Justices, Magistrates, Officers and Ministers, to be ordained, or appointed according to the Tenor and true Intention of these Presents; and likewise, to Appoint and Establish any Judges, or Justices, Magistrates, or Officers whatsoever, within the said Province, at Sea or Land, in such Manner and Form, as unto the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Lord Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carterett*, *Sir William Berkeley*, and *Sir John Colleton*, and their Heirs, shall seem most convenient. Also to remit, Release, Pardon, and Abolish, (whether before Judgment, or after) all Crimes and Offences whatsoever against the said Laws, and to do all and every other Thing and Things which unto the Compleat Establishment of Justice unto Courts, Sessions and Forms of Judicature, and Manners of Proceedings therein, do belong, although in these Presents, express mention be not made thereof, and by Judges, and by him, or them delegated to award, process, hold Pleas, and determine in all the said Courts and Places of Judicature, all Actions, Suits and Causes whatsoever, as well Criminal as Civil, real, mixt, personal, or of any other Kind or Nature whatsoever; Which Laws, so as aforesaid to be Published, Our Pleasure is, and We do Require, Enjoyn and Command, shall be Absolute,

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Firm and Available in Law, and that all the Leige People of Us, Our Heirs and Successors within the said Province of *Carolina*, do observe and keep the same inviolably, in those Parts, so far as they concern them, under the Pains and Penalties therein expressed, or to be expressed ; Provided nevertheless, That the said Laws be Consonant to Reason, and as near as may be, conveniently agreeable to the Laws and Customs of this our Kingdom of *England*.

And because such Assemblies of Free-holders cannot be so conveniently called, as there may be Occasion to require the same ; We do therefore by these Presents, Give and Grant unto the said Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carterett*, *Sir William* *Berkeley*, and *Sir John* *Colleton*, their Heirs and Assigns, by themselves, or their Magistrates in that Behalf Lawfully Authorized, full Power and Authority from Time to Time, to make and ordain fit and wholesome Orders and Ordinances within the Province aforesaid, to be kept and observed, as well for the keeping of the Peace, as for the better Government of the People there abiding, and to Publish the same to all to whom it may concern ; which Ordinances We do by these Presents, freightly charge and Command to be Inviolably observed, within the said Province, under the Penalties therein expressed, so as such Ordinances be reasonable and not repugnant, or contrary, but as near as may be, agreeable to the Laws and Statutes of this our Kingdom of *England*, and so as the same Ordinances do not extend to the Binding, Charging, or Taking away of the Right or Interest of any Person or Persons, in their Freehold Goods, or Chattels whatsoever.

And to the end the said Province may be the more happily increased by the Multitude of People resorting thither, and may likewise be the more strongly Defended from the Incursions of Savages, and other Enemies, Pirates and Robbers ; Therefore, We for Us, Our Heirs and Successors do Give and Grant by these Presents, Power, License and Liberty unto all the Leige People of Us, Our Heirs and Successors in our Kingdom of *England*, or elsewhere within any other our Dominions, Islands, Colonies, or Plantations (excepting those who shall be especially forbidden) to Transport themselves and Families unto the said Province,

Province, with convenient Shipping, and fitting Provisions and there to settle themselves, dwell and inhabit, any Law, Statute, Act, Ordinance, or other thing, to the contrary in any wise, notwithstanding: And We will also, and of Our more special Grace for Us, Our Heirs and Successors do streightly Enjoyn, Ordain, Constitute and Command that the said Province of *Carolina* shall be of our Allegiance, and that all and singular the Subjects, and Liege People of Us, Our Heirs and Successors Transported, or to be Transported into the said Province, and the Children of them, and of such as shall Descend from them, there Born, or hereafter to be Born, be, and shall be, Denizons and Leiges of Us, Our Heirs and Successors of this Our Kingdom of *England*, and be in all Things Held, Treated and Reputed as the Leige Faithful People of Us, Our Heirs and Successors, Born within this Our said Kingdom, or any other of Our Dominions, and may Inherit, or otherwise Purchase and Receive, Take, Hold, Buy and Possess any Lands, Tenements, or Hereditaments within the same Places, and them may Occupy Possess and Enjoy, Give, Sell, Aliene and Bequeath; as likewise, all Liberties, Franchises and Priviledges of this Our Kingdom of *England*, and of other our Dominions aforesaid, and may freely and quietly have, possess and enjoy as our Leige People born within the same, without the least Molestation, Vexation, Trouble or Grievance of Us, our Heirs and Successors, any Statute, Act, Ordinance or Provision to the contrary notwithstanding.

And furthermore That our Subjects of this our said Kingdom of *England* and other our Dominions, may be the rather encouraged to undertake this Expedition with ready and chearful Minds; Know ye, That we of our special Grace, certain Knowledge and meer Motion, do give and grant, by vertue of these Presents, as well to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton* and their Heirs, as unto all others as shall, from Time to Time, repair unto the said Province, with a Purpose to inhabit there, or to trade with the Natives of the said Province, full Liberty and License to lade and freight in any Ports whatsoever, of Us, our Heirs and Successors, and into the said Province of *Carolina*, by them, their Servants and Assigns, to transport all and singular their Goods,

Goods, Wares and Merchandizes; as likewise, all sorts of Grain whatsoever, and any other Things whatsoever, necessary for the Food and Cloathing, not prohibited by the Laws and Statutes of our Kingdoms and Dominions, to be carry'd out of the same without any Lett or Molestation of us, our Heirs and Successors, or of any other of our Officers or Ministers whatsoever, saving also to Us, our Heirs and Successors, the Customs, and other Dutys and Payments, due for the said Wares and Merchandizes, according to the several Rates of the Places from whence the same shall be transported. We will also, and by these Presents, for Us, our Heirs and Successors, do give and grant License by this our Charter, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley*, and *Sir John Colleton*, their Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, full Power and absolute Authority to import or unlade by themselves, or their Servants, Factors or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or by Sea, into any the Ports of Us, our Heirs and Successors, in our Kingdom of *England, Scotland or Ireland*, or otherwise to dispose of the said Goods in the said Ports; and if need be, within one Year next after the unlading, to lade the said Merchandizes and Goods again into the same, or other Ships, and to export the same into any other Countries, either of our Dominions, or forreign, being in Amity with Us, our Heirs and Successors, so as they pay such Customs, Subsidies and other Dutys for the same to Us, our Heirs and Successors, as the rest of our Subjects of this our Kingdom, for the Time being, shall be bound to pay, beyond which, we will not that the Inhabitants of the said Province of *Carolina* shall be any way charged.

Provided nevertheless, and our Will and Pleasure is, and We have further for the Considerations aforesaid, of our more especial Grace, certain Knowledge and meer Motion, given and granted, and by these Presents, for Us, our Heirs and Successors, do give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, full and free

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free License, Liberty and Authority at any Time, or Times, from and after the Feast of St. Michael the Arch-Angel, which shall be in the Year of our Lord Christ, One Thousand Six Hundred, Sixty and Seven; as well to import, and bring into any of our Dominions, from the said Province of *Carolina*, or any Part thereof, the several Goods and Commodities herein after mentioned; that is to say, Silks, Wines, Currants, Raisins, Capers, Wax, Almonds, Oyl and Olives, without paying or answering to us, our Heirs or Successors, any Custom, Impost or other Duty, for, or in respect thereof, for and during the Term and Space of Seven Years, to commence and be accounted from and after the first Importation of Four Tons of any the said Goods in any one Bottom Ship or Vessel, from the said Province, into any of our Dominions; as also, to export and carry out of any of our Dominions into the said Province of *Carolina*, Custom-free, all sorts of Tools which shall be useful or necessary for the Planters there, in the Accomodation and Improvement of the Premises, any Thing before in these Presents contained, or any Law, Act, Statute prohibition, or other Matter or Thing heretofore had, made, enacted or provided or hereafter to be had, made, Enacted, or provided to the contrary in any wise notwithstanding.

And furthermore, of our more ample and especial Grace, certain Knowledge and meer Motion, We do for Us, our Heirs and Successors, grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, full and absolute Power and Authority to make, erect and constitute within the said Province of *Carolina*, and the Isles and Islets aforesaid, such and so many Sea-Ports, Harbours, Creeks and other Places, for discharge and unlading of Goods and Merchandizes out of Ships, Boats and other Vessels, and for lading of them in such and so many Places, and with such Jurisdictions, Priviledges and Franchises, unto the said Ports belonging, as to them shall seem most expedient; and that all and singular, the Ships, Boats and other Vessels, which shall come for Merchandizes, and trade into the said Province, or shall depart out of the same, shall be laden and unladen at such Ports only as shall be erected and constituted by the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley,*

Sir George Carteret, Sir William Berkeley and Sir John Colleton, their Heirs and Assigns, and not elsewhere any Use, Custom, or any thing to the contrary in any wise, notwithstanding.

And We do furthermore will, appoint and ordain by these Presents, for Us, our Heirs and Successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley and Sir John Colleton, their Heirs and Assigns, That they the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley and Sir John Colleton, their Heirs and Assigns, may from Time to Time, for ever, have and enjoy the Customs and Subsidies in the Ports, Harbours, Creeks and other Places within the Province aforesaid, payable for Goods, Merchandizes and Wares there laded, or to be laded or unladed, the said Customs to be reasonably assessed upon any Occasion by themselves, and by and with the Consent of the free People there, or the greater Part of them, as aforesaid; to whom We give Power by these Presents, for Us, our Heirs and Successors, upon just Cause and in a due Proportion to assess and impose the same.

And further, of our especial Grace, certain Knowledge and meer Motion, we have given, granted and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley and Sir John Colleton, their Heirs and Assigns, full and absolute License, Power and Authority, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley and Sir John Colleton, their Heirs and Assigns, from Time to Time, hereafter for ever, at his and their Will and Pleasure, may assign, alien, grant, demise or enfeoff the Premises or any Parts or Parcells thereof to him or them, that shall be willing to purchase the same; and to such Person or Persons, as they shall think fit, to have, and to hold to them the said Person or Persons, their Heirs and Assigns in Fee simple or Fee Tayle, or for Term of Life or Lives, or Years to be held of them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley,

Ashley, Sir George Carterett, Sir William Berkeley, and *Sir John Colleton*, their Heirs and Assigns, by such Rents, Services and Customs, as shall seem meet to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, and not immediately of Us, our Heirs and Successors : And to the same Person and Persons, and to all and every of them, We do give and grant by these Presents, for Us, our Heirs and Successors, License, Authority and Power, that such Person or Persons, may have or take the Premises, or any Parcel thereof, of the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, and the same to hold to themselves, their Heirs or Assigns, in what Estate of Inheritance, whatsoever, in Fee simple, or in Fee Tayle, or otherwise, as to them and the said *Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, shall seem expedient. The Statute made in the Parliament of *Edward, Son of King Henry*, heretofore King of *England*, our Predecessor, commonly called, The Statute of *Quia Emptores Terra*; or any other Statute, Act, Ordinance, Use, Law, Custom, or any other Matter, Cause or Thing heretofore published or provided to the contrary in any wise notwithstanding.

[And because many Persons born or inhabiting in the said Province; for their Deserts and Services may expect, and be capable of Marks of Honour and Favour, which in respect of the great Distance cannot conveniently be conferred by Us ; our Will and Pleasure therefore is, and We do by these Presents, give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, full Power and Authority to give and confer unto, and upon such of the Inhabitants of the said Province, as they shall think, do, or shall merit the same, such Marks of Favour, and Titles of Honour, as they shall think fit, so as these Titles of Honour be not the same as are enjoyed by, or conferred upon any the Subjects of this Our Kingdom of *England*.

And further also, We do by these Presents, for Us, Our Heirs and Successors, give and Grant, License to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley and Sir John Colleton*, their Heirs and Assigns, full Power, Liberty and License to Erect, Raise and Build within the said Province and Places aforesaid, or any Part or Parts thereof, such and so many Forts, Fortresses, Castles, Cities, Burroughs, Towns, Villages and other Fortifications whatsoever, and the same or any of them to Fortify and Furnish with Ordinance, Powder, Shot, Armory and all other Weapons, Ammunition, Habiliments of War, both Offensive and Defensive, as shall be thought fit and convenient for the Safety and Welfare of the said Province, and Places, or any Part thereof, and the same, or any of them, from Time to Time, as Occasion shall require, to Dismantle, Disfurnish, Demolish and pull down, and also to Place, Constitute and Appoint in, or over all, or any of the said Castles, Forts, Fortifications, Cities, Towns and Places aforesaid, Governours, Deputy Governours, Magistrates, Sheriffs, and other Officers, Civil and Military, as to them shall seem meet, and to the said Cities, Burroughs, Towns, Villages, or any other Place, or Places, within the said Province, to Grant Letters or Charters of Incorporation, with all Liberties, Franchises, and Priviledges requisite, and usual, or to, or within any Corporations within this Our Kingdom of *England* granted, or belonging; and in the said Cities, Burroughs, Towns and other Places, to Constitute, Erect and Appoint such, and so many Markets, Marts and Fairs, as shall in that Behalf be thought fit and necessary; and further also, to Erect and Make in the Province aforesaid, or any Part thereof, so many Mannors as to them shall seem meet and convenient, and in every of the same Mannors to have and to hold a Court-Baron with all things whatsoever, which to a Court-Baron do belong, and to have and to hold Views of Franck Pledge and Court-Leet for the Conservation of the Peace, and better Government of those Parts, within such Limits, Jurisdictions and Precincts, as by the said *Edward Earl of Clarendon, George Duke*
of

of *Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, or their Heirs, shall be appointed for that purpose, with all things whatsoever, which to a Court Leet, or view of Franck Pledge; do belong, the said Court to be holden by Stewards, to be Deputed and Authorized by the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, or their Heirs, or by the Lords of other Mannors and Leets for the Time being, when the same shall be Erected.

And because that in so remote a Country, and Situate among so many Barbarous Nations, and the Invasions as well of Salvages as other Enemies; Pirates and Robbers may probably be feared; Therefore We have Given, and for Us, Our Heirs and Successors do give Power by these Presents, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns by themselves, or their Captains, or other their Officers to Levy, Muster and Train all sorts of Men, of what Condition, or wheresoever Born in the said Province, for the Time being; and to make War and pursue the Enemies aforesaid, as well by Sea, as by Land; yea, even within the Limits of the said Province, and by God's Assistance, to Vanquish and Take them, and being Taken, to put them to Death by the Law of War, or to save them at their Pleasure; and to do all and every other thing, which unto the Charge and Office of a Captain General of an Army, belongeth, or hath accustomed to belong, as fully and freely as any Captain General of an Army hath ever had the same.

Also, Our Will and Pleasure is, and by this Our Charter, we give unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley* and *Sir John Colleton*, their Heirs and Assigns, full Power, Liberty and Authority in Case of Rebellion, Tumult, or Sedition (if any should happen) which God forbid either upon the Land within the Province aforesaid
or

or upon the main Sea, in making a Voyage thither, or returning from thence, by him and themselves, their Captains, Deputies or Officers, to be authorized under his or their Seals, for that purpose: To whom also for Us, our Heirs and Successors, We do give and grant by these Presents, full Power and Authority to exercise Martial Law against mutinous and seditious Persons of these Parts, such as shall refuse to submit themselves to their Government, or shall refuse to serve in the Wars, or shall fly to the Enemy, or forsake their Colours or Ensigns, or be Loyerets or Straglers, or otherwise howsoever offending against Law, Custom or Discipline Military, as freely, and in as ample Manner and Form as any Captain General of an Army, by virtue of his Office, might, or hath accustomed to use the same.

And Our further Pleasure is, and by these Presents, for Us, our Heirs and Successors, We do grant unto the said Earl of Clarendon, George Duke of *Albemarle*, William Lord *Craven*, John Lord *Berkeley*, Anthony Lord *Ashley*, Sir *George Carterett*, Sir *William Berkeley* and Sir *John Colleton*, their Heirs and Assigns, and to the Tenants and Inhabitants of the said Province of *Carolina*, both present and to come, and to every of them, that the said Province and the Tenants and Inhabitants thereof, shall not from henceforth, be held or reputed a Member, or Part of any Colony what,soever, in *America* or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their Government in any Thing, but be absolutely separated and divided from the same: And our Pleasure is, by these Presents, That they be separated, and that they be subject immediately to our Crown of *England*, as depending thereof for ever. And that the Inhabitants of the said Province, nor any of them, shall at any Time hereafter, be compelled or compellable, or be any ways subject, or liable to appear or answer to any Matter, Suit, Cause, or Complaint whatsoever, out of the Province aforesaid, in any other of our Islands, Colonies or Dominions in *America* or elsewhere, other than in our Realm of *England* and Dominion of *Wales*.

And because it may happen, That some of the People and Inhabitants of the said Province, cannot in their private Opinions conform to the Publick Exercise of Religion according to the Liturgy, Form and Ceremonies of the Church of *England*, or take and subscribe the Oaths and Articles made and established in that Behalf: And for that the same, by reason of

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the remote Distances of these places will we hope, be no Breach of the Unity, and Uniformity, Established in this Nation. Our Will and Pleasure therefore is, and We do by these Presents for Us, Our Heirs, and Successors, Give and Grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley, and Sir John Colleton*, their Heirs and Assigns, full and free License, Liberty and Authority, by such Legal Ways and Means as they shall think fit to Give and Grant unto such Person and Persons, Inhabiting, and being within the said Province, or any Part thereof, who really in their Judgments, and for Conscience sake, cannot, or shall not Conform to the said Liturgy and Ceremonies, and take and subscribe the Oaths and Articles aforesaid, or any of them, such Indulgences and Dispensations, in that Behalf, for, and during such Time and Times, and with such Limitations and Restrictions as they the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley and Sir John Colleton*, their Heirs, or Assigns, shall in their Discretion think fit, and reasonable, and with this Express Proviso, and Limitation also, that such Person and Proviso, to whom such Indulgences and Dispensations shall be Granted as aforesaid, do, and shall from Time to Time, Declare, and continue all Fidelity, Loyalty and Obedience to Us, Our Heirs and Successors, and be Subject and Obedient to all other the Laws, Ordinances and Constitutions of the said Province, in all Matters whatsoever, as well Ecclesiastical as Civil, and do not in any wise Disturb the Peace and Safety thereof, or Scandalize, or Reproach the said Liturgy, Forms and Ceremonies, or any Thing relating thereunto, or any Person or Persons whatsoever, for, or in respect of his, or their Use, or Exercise thereof, or his, or their Obedience, or Conformity thereunto.

And in Case it shall happen, That any Doubts or Questions should arise concerning the True Sense and Understanding of any Word, Clause or Sentence, contained in this Our Present Charter, We will Ordain and Command, that at all Times, and in all Things, such Interpretation be made thereof, and allow'd in all and every of
Our

Our Courts whatsoever, as Lawfully may be Ad judged most Advantageous and Favourable to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley and Sir John Colleton*, their Heirs and Assigns, although Express Mention be not made in these Presents, of the True Yearly Value and Certainty of the Premises, or any part thereof, or of any other Gifts and Grants made by Us, our Ancestors, or Predecessors, to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir William Berkeley and Sir John Colleton*, or any other Person, or Persons whatsoever, or any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore Had, Made, Published, Ordained, or Provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof, in any Wise Notwithstanding.

In Witness, &c. Witness the KING, at *Westminster*, the Four and Twentieth Day of *March*, in the Fifteenth Year of Our Reign.

Per ipsam Regem.

THE

THE SECOND
CHARTER

Granted by

King *CHARLES* II^d.

TO THE
PROPRIETORS
OF
CAROLINA.

CHARLES II^d. by the Grace of God, &c.

Whereas, By Our Letters Patents, bearing Date the Four and Twentieth Day of *March*; in the Fifteenth Year of Our Reign, We were Graciously Pleas'd to Grant unto Our right Trusty, and right Well-beloved Cousin and Counsellor *Edward* Earl of *Clarendon*, our high Chancellor of *England*, Our right Trusty, and Right Intirely Beloved Cousin and Counsellor, *George* Duke of *Albemarle*, Master of our Horse, Our right Trusty, and Well Beloved *William*, now Earl of *Craven*, our right Trusty and well-beloved Counsellor, *John* Lord *Berkeley*, our right Trusty, and well-beloved Counsellor, *Anthony* Lord *Ashley*, Chancellor of our Exchequer, our right Trusty and Well-beloved Counsellor Sir *George Carteret* Knight
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and Baronet, Vice-Chamberlain of our Household, Our right Trusty and well-beloved, Sir *John Colleton* Knight and Baronet, and Sir *William Berkeley* Knight, all that Province, Territory, or Tract of Ground, called *Carolina*, scituate, lying and being within our Dominions of *America*, Extending from the North End of the Island, called *Luke Island*, which lyeth in the *Southern Virginia Seas*, and within six and thirty Degrees of the *Northern Latitude*; and to the *West*, as far as the *South Seas*; and so respectively as far as the River of *Machias*, which bordereth upon the Coast of *Florida*, and within One and Thirty Degrees of the *Northern Latitude*, and so *West* in a direct Line, as far as the *South Seas* aforesaid.

Now, Know Ye, that We, at the Humble Request of the said Grantees in the aforesaid Letters, Patents named, and as a further Mark of Our especial Favour towards them, We are Graciously Pleased to Enlarge Our said Grant unto them, according to the Bounds and Limits hereafter Specified, and in Favour to the Pious and Noble Purpose of the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carterett*, *Sir John Colleton* and *Sir William Berkeley*, their Heirs and Assigns, all that Province, Territory, or Tract of Ground, Scituate, lying, and being within Our Dominions of *America* aforesaid, extending *North* and *Eastward*, as far as the North End of *Carabuke River*, or *Gullet*, upon a streight *Westerly* Line, to *Wyonoake Creek*, which lyes within, or about the Degrees of Thirty Six, and Thirty Minutes *Northern Latitude*, and so *West*, in a direct Line as far as the *South Seas*; and *South* and *Westward*, as far as the Degrees of Twenty Nine Inclusive *Northern Latitude*, and so *West* in a direct Line, as far as the *South Seas*; together with all and singular Ports, Harbours, Bays, Rivers and Islets, belonging unto the Province or Territory, aforesaid. And also, all the Soil, Lands, Fields, Woods, Mountains, Firms, Lakes, Rivers, Bays and Islets, scituate, or being within the Bounds, or Limits, last before mentioned; with the Fishing of all sorts of Fish, *Whales*, *Sturgeons*, and all other Royal Fishes in the Sea, Bays, Islets and Rivers, within the Premises, and the Fish therein taken; together with the Royalty of the Sea, upon the Coast within the Limits aforesaid.

aforesaid. And moreover. all Veins, Mines and Quarries, as well discovered as not discover'd, of Gold, Silver, Gems and Precious Stones, and all other whatsoever; be it of Stones, Mettal, or any other thing found, or to be found within the Province, Territory, Isles and Limits aforesaid.

And furthermore, the Patronage and Avowsons of all the Churches and Chappels, which as Christian Religion shall encrease within the Province, Territory, Isles and Limits aforesaid, shall happen hereafter to be erected; together with License and Power to build and found Churches, Chappels and Oratories in convenient and fit places, within the said Bounds and Limits; and to cause them to be Dedicated and Consecrated, according to the Ecclesiastical Laws of Our Kingdom of *England*; together with all and singular, the like, and as ample Rights, Jurisdictions, Priviledges, Prerogatives, Royalties, Liberties, Immunities and Franchises, of what Kind soever, within the Territory, Isles, Isles and Limits aforesaid. To have, hold, use, exercise and enjoy the same as amply, fully, and in as ample Manner as any Bishop of *Durham* in Our Kingdom of *England*, ever heretofore had, held, used, or enjoyed, or of right ought, or could have, use, or enjoy; and them the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* Carterett, *Sir John* Colleton, and *Sir William* Berkeley, their Heirs and Assigns; We do by these Presents, for Us, Our Heirs and Successors, make, create and constitute the true and absolute Lords and Proprietors of the said Province, or Territory, and of all other the Premises, saving always the Faith, Allegiance and Sovereign Dominion due to Us, Our Heirs and Successors, for the same; to have, hold, possess and enjoy the said Province, Territory, Isles, and all and singular, other the Premises, to them the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* Carterett, *Sir John* Colleton. and *Sir William* Berkeley, their Heirs and Assigns, for Ever, to be holden of Us, Our Heirs and Successors, as of Our Mannor of *East Greenwich*, in *Kent*, in free and common Soccage, and not in *Capite*, or by *Knights Service*, yeilding and paying yearly to Us, Our Heirs and Successors, for the same the fourth Part of all Goods and

Silver Oar, which within the Limits hereby Granted, shall from Time to Time, happen to be found, over and besides the Yearly Rent of Twenty Marks and the fourth part of the Gold and Silver Oar, in and by the said recited Letters Patents reserved and payable.

And that the Province, or Territory hereby granted and described, may be dignified with as large Titles and Priviledges as any other Parts of our Dominions and Territories in that Region. Know ye, That We, of our further Grace, certain Knowledge and meer Motion, have thought fit to annex the same Tract of Ground and Territory, unto the same Province of *Carolina*; and out of the Fulness of our Royal Power and Prerogative, We do for Us, our Heirs and Successors, annex and unite the same to the said Province of *Carolina*. And forasmuch as We have made and ordained, the aforesaid *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, the true Lords and Proprietors of all the Province or Territory aforesaid. Know ye therefore moreover, That We reposing especial Trust and Confidence in their Fidelity, Wisdom, Justice and provident Circumspection for Us, our Heirs and Successors, do grant full and absolute Power, by virtue of these Presents, to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*; and their Heirs and Assigns, for the good and happy Government of the said whole Province or Territory, full Power and Authority to erect, constitute, and make several Counties, Baronies, and Colonies, of and within the said Provinces, Territories, Lands and Hereditaments, in and by the said recited Letter, Patents, and these Presents, granted, or mentioned to be granted, as aforesaid, with several and distinct Jurisdictions, Powers, Liberties and Priviledges. And also, to ordain, make and enact, and under their Seals, to publish any Laws and Constitutions whatsoever, either appertaining to the publick State of the said whole Province or Territory, or of any distinct or particular County, Barony or Colony, of or within the same, or to the private Utility

lity of particular Persons, according to their best Discretion, by
 and with the Advice, Assent and Approbation of the Freemen of
 the said Province or Territory, or of the Freemen of the County,
 Barony or Colony, for which such Law or Constitution shall be
 made, or the greater Part of them, or of their Delegates or De-
 puties, whom for enacting of the said Laws, when, and as often
 as need shall require, We will that the said *Edward Earl*
of Clarendon, George Duke of Albemarle, William Earl
of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir
George Carterett, Sir John Colleton and Sir William Berkeley,
 and their Heirs or Assigns, shall from Time to Time, as-
 semble in such Manner and Form as to them shall seem best:
 And the same Laws duly to execute upon all People within
 and the said Province or Territory, County, Barony or Colony
 the Limits thereof, for the Time being, which shall be consti-
 tuted under the Power and Government of them, or any of them,
 either sailing towards the said Province or Territory of *Caro-*
lina, or returning from thence towards *England,* or any other
 of our, or forreign Dominions, by Imposition of Penalties,
 Imprisonment, or any other Punishment: Yea, if it shall
 be needful, and the Quality of the Offence require it, by
 taking away Member and Life, either by them, the said *Edward*
Earl of Clarendon, George Duke of Albemarle, William Earl of
Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George
Carterett, Sir John Colleton and Sir William Berkeley and their
 Heirs, or by them or their Deputies, Lieutenants, Judges, Justices,
 Magistrates, or Officers whatsoever, as well within the said
 Province as at Sea, in such Manner and Form as unto the said
Edward Earl of Clarendon, George Duke of Albemarle, William
Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir
George Carterett, Sir John Colleton and Sir William Berkeley, and
 their Heirs, shall seem most convenient: Also, to remit, release,
 pardon and abolish, whether before Judgement or after, all
 Crimes and Offences whatsoever, against the said Laws; and to
 do all and every other Thing and Things, which unto the com-
 plet Establishment of Justice, unto Courts, Sessions and Forms
 of Judicature, and Manners of proceedings therein, do belong,
 altho' in these Presents, express Mention is not made thereof;
 and by Judges, to him or them delegated to award, process, hold
 Pleas, and determine in all the said Courts and Places of Judica-
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ture, all Actions, Suits and Causes whatsoever, as well criminal as civil, real, mixed, personal, or of any other Kind or Nature **Whatsoever**: Which Laws so as aforesaid, to be published. **Our Pleasure is, and We do enjoin, require and command, shall be absolutely firm and available in Law;** and that all the **Leige People of Us, our Heirs and Successors, within the said Province or Territory, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pains and Penalties therein expressed, [or to be expressed ; provided nevertheless, that the said Laws be consonant to Reason, and as near as may be conveniently, agreeable to the Laws and Customs of this our Realm of *England*.**

And because such Assemblies of Free-holders cannot be so suddenly called as there may be Occasion to require the same. We do therefore by these Presents, give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, by themselves or their Magistrates in that Behalf, lawfully authorized, full Power and Authority from Time to Time, to make and ordain fit and wholesome Orders and Ordinances, within the Province or Territory aforesaid, or any County, Barony or Province, of or within the same, to be kept and observed, as well for the keeping of the Peace, as for the better Government of the People there abiding, and to publish the same to all to whom it may concern : Which Ordinances we do, by these Presents, streightly charge and command to be inviolably observed within the same Province, Countys, Territorys, Baronys and Provinces, under the Penalties therein expressed ; so as such Ordinances be reasonable and not repugnant or contrary, but as near as may be agreeable to the Laws and Statutes of this our Kingdom of *England* ; and so as the same Ordinances do not extend to the binding, charging or taking away of the Right or Interest of any Person or Persons, in their freehold, Goods or Chattels, whatsoever.

And to the end the said Province or Territory, may be the more happily encreased by the Multitude of People resorting thither, and may likewise be the more strongly defended from the Incursions of Savages and other Enemies, Pirates and Robbers.

Therefore

Therefore, We for Us, Our Heirs and Successors, do give and grant by these Presents, Power, License and Liberty unto all the Leige People of Us, our Heirs and Successors in our Kingdom of England, or elsewhere, within any other our Dominions, Islands Colonies or Plantations; (excepting those who shall be especially forbidden) to transport themselves and Families into the said Province or Territory, with convenient Shipping, and fixing Provisions; and there to settle themselves, dwell and inhabit, any Law, Act, Statute, Ordinance, or other Thing to the contrary in any wise, notwithstanding.

And we will also, and of Our especial Grace, for Us, our Heirs and Successors, do streightly enjoin, ordain, constitute and command, That the said Province or Territory, shall be of our Allegiance; and that all and singular, the Subjects and Leige People of Us, our Heirs and Successors, transported, or to be transported into the said Province, and the Children of them, and such as shall descend from them, there born, or hereafter to be born, be, and shall be Denizens and Leiges of Us, our Heirs and Successors of this our Kingdom of England, and be in all Things, held, treated and reputed as the Leige faithful People of Us, our Heirs and Successors, born within this our said Kingdom, or any other of our Dominions; and may inherit, or otherwise purchase and receive, take, hold, buy and possess any Lands, Tenements or Hereditaments, within the said Places, and them may occupy, and enjoy, sell, alien and bequeath; as likewise, all Liberties, Franchises and Priviledges of this our Kingdom, and of other our Dominions aforesaid, may freely and quietly have, possess and enjoy, as our Leige People born within the same, without the Molestation, Vexation, Trouble or Grievance of Us, Our Heirs and Successors, any Act, Statute, Ordinance, Provision to the contrary, notwithstanding.

And furthermore, That Our Subjects of this Our said Kingdom of England, and other our Dominions, may be the rather encouraged to undertake this Expedition, with ready and chearful Means. Know Ye, That We, of Our especial Grace, certain Knowledge and meer Motion, do give and grant, by virtue of these Presents, as well to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley* and their

their Heirs, as unto all others as shall, from Time to Time, repair unto the said Province or Territory, with a Purpose to inhabit there, or to trade with the Natives thereof: Full Liberty and License to lade and freight in every Port whatsoever, of Us, our Heirs and Successors; and into the said Province of *Carolina*, by them, their Servants and Assigns, to transport all and singular, their Goods, Wares and Merchandizes; as likewise, all sort of Grain whatsoever, and any other Thing whatsoever, necessary for their Food and Cloathing, not prohibited by the Laws and Statutes of our Kingdom and Dominions, to be carried out of the same, without any Lett or Molestation of Us, our Heirs and Successors, or of any other our Officers or Ministers whatsoever; saving also to Us, our Heirs and Successors, the Customs, and other Duties and Payments due for the said Wares and Merchandizes, according to the several Rates of the Places from whence the same shall be transported.

We will also, and by these Presents, for Us, our Heirs and Successors, do give and grant License by this our Charter, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province or Territory aforesaid, both present and to come, full Power and absolute Authority to import or unlade by themselves, or their Servants, Factors or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province or Territory, either by Land or Sea, into any the Ports of Us, our Heirs and Successors, in our Kingdom of *England, Scotland or Ireland*, or otherwise, to dispose of the said Goods, in the said Ports. And if need be, within one Year next after the unlading, to lade the said Merchandizes and Goods again into the same, or other Ships; and to export the same into any other Countrys, either of our Dominions or forreign, being in Amity with Us, our Heirs and Successors, so as they pay such Customs, Subsidies and other Duties for the same to Us, our Heirs and Successors, as the rest of our Subjects of this our Kingdom, for the Time being, shall be bound to pay. Beyond which We will not that the Inhabitants of the said Province or Territory, shall be any ways charged. Provided, nevertheless, and our Will and Pleasure is, and We have further, for the Considerations aforesaid, of our special Grace, certain Knowledge and meer Motion,

Motion, given and granted, and by these Presents, for Us, our Heirs and Successors, do give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, full and free License, Liberty, Power and Authority, at any Time or Times, from and after the Feast of St. Michael the Arch-Angel, which shall be in the Year of our Lord Christ, One Thousand Six Hundred, Sixty and Seven; as well to import and bring into any our Dominions from the said Province of *Carolina*, or any Part thereof, the several Goods and Commodities herein after mentioned; That is to say, Silks, Wines, Currants, Raysons, Capers, Wax, Almonds, Oyl and Olives, without paying or answering to Us, our Heirs and Successors, any Custom, Impost, or other Duty, for, or in respect thereof, for an during the Time and Space of Seven Years to commence and be accounted from and after the first Importation of Four Tons of any the said Goods, in any one Bottom Ship or Vessel, from the said Province or Territory, into any of our Dominions; as also, to export and carry out of any of our Dominions into the said Province or Territory, Custom-free, all sorts of Tools, which shall be useful or necessary for the Planters there, in the Accomodation and Improvement of the Premises, any thing before in these Presents contained, or any Law, Act, Statute, Prohibition, or other Matter or Thing, heretofore had, made, enacted or provided, or hereafter to be had, made, enacted or provided, in any wise notwithstanding.

And furthermore, of our more ample and especial Grace, certain Knowledge and meer Motion, We do for Us, our Heirs and Successors, grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, full and absolute Power and Authority to make, erect and constitute within the said Province or Territory, and the Isles and Islets aforesaid, such and so many Sea-Ports, Harbours, Creeks and other Places for discharge and unlading of Goods and Merchandizes out of Ships, Boats, and other Vessels, and for lading of them in such and so many Places, as with such Jurisdictions, Priviledges and Franchises, unto the said Ports belonging, as to them shall seem most expedient; And that all and singular, the

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Ships,

Ships, Boats and other Vessels, which shall come for Merchandizes, and trade into the said Province or Territory, or shall depart out of the same, shall be laden and unladen at such Ports only, as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, and not elsewhere, any Use, Custom, or any thing to the contrary in any wise notwithstanding.

And We do furthermore will, appoint and ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, That they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, may from Time to Time, for ever, have and enjoy the Customs and Subsidies in the Ports Harbours, Creeks and other Places within the Province aforesaid, payable for the Goods, Merchandizes and Wares there laded, or be laded or unladed, the said Customs to be reasonably assessed to upon any Occasion by themselves, and by and with the Consent of the free People, or the greater Part of them, as aforesaid; to whom We give Power by these Presents, for Us, our Heirs and Successors, upon just Cause and in a due Proportion to assess and impose the same.

And further, of our especial Grace, certain Knowledge and meer Motion, we have given, granted and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, full and absolute Power, License and Authority, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, from Time to Time, hereafter for ever, at his and their Will and Pleasure, may assign, alien, grant, demise or enfeoff the Premises or any Part or Parcell thereof to him or them, that shall

shall be willing to purchase the same; and to such Person and Persons, as they shall think fit, to have, and to hold to them the said Person or Persons, their Heirs and Assigns in Fee simple or in Fee Tayle, or for the Term of Life or Lives, or Years to be held of them, the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, by such Rents, Services and Customs, as shall seem fit to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, and not of Us, our Heirs and Successors : And to the same Person and Persons, and to all and every of them, We do give and grant by these Presents, for Us, our Heirs and Successors, License, Authority and Power, that such Person or Persons, may have and take the Premises, or any Parcel thereof, of the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, and the same to hold to themselves, their Heirs or Assigns, in what Estate of Inheritance soever, in Fee simple, or in Fee Tayle, or otherwise, as to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, shall seem expedient. The Statute in the Parliament of *Edward, Son of King Henry*, heretofore King of *England*, our Predecessor, commonly called, The Statute of *Quia Emptores Terrarum*; or any other Statute, Act, Ordinance, Use, Law, Custom, or any other Matter, Cause or Thing heretofore published or provided to the contrary in any wise notwithstanding.

And because many Persons born and inhabiting in the said Province for their Deserts and Services may expect, and be capable of Marks of Honour and Favour, which in respect of the great Distance cannot conveniently be conferred by Us ; our Will and Pleasure therefore is, and We do by these Presents, give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their

Heirs and Assigns, full Power and Authority to give and conferr unto, and upon such of the Inhabitants of the said Province, or Territory, as they shall think, do, or shall merit the same, such Marks of Favour, and Titles of Honour, as they shall think fit, so as their Titles or Honours be not the same as are enjoyed by, or conferred upon any of the Subjects of this Our Kingdom of England.

And further also, We do by these Presents, for Us, Our Heirs and Successors, give and Grant, License to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, full Power, Liberty and License, to Erect, Raise and Build within the said Province and Places aforesaid, or any Part or Parts thereof, such and so many Forts, Fortresses, Castles, Cities, Burroughs, Towns, Villages and other Fortifications whatsoever; and the same or any of them to Fortify and Furnish with Ordnance, Powder, Shot, Armour and all other Weapons, Ammunition and Habiliments of War, both Defensive and Offensive, as shall be thought fit and convenient for the Safety and Welfare of the said Province, and Places, or any Part thereof; And the same, or any of them, from Time to Time, as Occasion shall require, to Dismantle, Disfurnish, Demolish and pull down; And also to Place, Constitute and Appoint in, or over all, or any of the said Castles, Forts, Fortifications, Cities, Towns and Places aforesaid, Governours, Deputy Governours, Magistrates, Sheriffs and other Officers, Civil and Military, as to them shall seem meet; And to the said Cities, Burroughs, Towns, Villages, or any other Place, or Places, within the said Province or Territory, to Grant Letters or Charters of Incorporation, with all Liberties, Franchises and Privileges requisite, or usual, or to, or within this Our Kingdom of England granted, or belonging; And in the same Citties, Burroughs, Towns and other Places, to Constitute, Erect and Appoint such, and so many Markets, Marts and Fairs, as shall in that Behalf be thought fit and necessary; And further also, to Erect and Make in the Province or Territory aforesaid, or any Part thereof, so man Mannors with such Signories as to them shall seem meet and convenient, and in every of the same Mannors to have and to hold a Court-
Baron

Baron with all Things whatsoever, which to a Court-Baron do belong, and to have and to hold Views of Franck Pledge, and Courts-Leet, for the Conservation of the Peace, and better Government of those Parts, with such Limits, Jurisdiction and Precincts, as by the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton, and Sir William Berkeley*, or their Heirs, shall be appointed for that purpose, with all things whatsoever, which to a Court Leet, or view of Franck Pledge; do belong, the same Courts to be holden by Stewards, to be Deputed and Authorized by the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton, and Sir William Berkeley* or their Heirs, by the Lords of the Mannors and Leets, for the Time being, when the same shall be Erected.

And because that in so remote a Country, and Situate among so many Barbarous Nations, the Invasions as well of Salvages as other Enemies, Pirates, and Robbers may probably be feared; Therefore We have Given, and for Us, Our Heirs and Successors do give Power by these Presents, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs or Assigns by themselves, or their Captains, or other Officers to Levy, Muster and Train up all sorts of Men, of what Condition soever, or where-soever Born, whether in the said Province, or elsewhere, for the Time being; And to make War and pursue the Enemies aforesaid, as well by Sea, as by Land; yea, even without the Limits of the said Province, and by God's Assistance, to Vanquish and Take them, and being Taken, to put them to Death by the Law of War, and to save them at their Pleasure; And to do all and every other thing, which to the Charge and Office of a Captain General of an Army belongeth, or hath accustomed to belong, as fully and freely as any Captain General of an Army hath had the same.

Also, Our Will and Pleasure is, and by this Our Charter, We do give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, An-*
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Anthony Lord Ashley, Sir George Carteret, Sir John Colleton and Sir William Berkeley, their Heirs and Assigns, full Power, Liberty and Authority in Case of Rebellion, Tumult, or Sedition (if any should happen which God forbid) either upon the Land within the Province aforesaid, or upon the main Sea, in making a Voyage thither, or returning from thence, by him and themselves, their Captains, Deputies or Officers, to be authorized under his or their Seals, for that purpose: To whom also for Us, our Heirs and Successors, We do give and grant by these Presents, full Power and Authority to exercise Martial Law against mutinous and seditious Persons of those Parts; such as shall refuse to submit themselves to their Government, or shall refuse to serve in the Wars, or shall fly to the Enemy, or forsake their Colours or Ensigns, or be Loyterers or Straglers, or otherwise howsoever offending against Law, Custom, or Military Discipline, as freely, and in as ample Manner and Form as any Captain General of an Army, by virtue of his Office, might, or hath accustomed to use the same.

And Our further Pleasure is, and by these Presents, for Us, our Heirs and Successors, We do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Assigns, and to the Tenants and Inhabitants of the said Province, or Territory, both present and to come, and to every of them, that the said Province, or Territory, and the Tennants and Inhabitants thereof, shall not from henceforth, be held or reputed any Member, or Part of any Collony whatsoever, in America or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their Government in any Thing, but be absolutely separated and divided from the same: And our Pleasure is, by these Presents, That they be separated, and that they be subject immediately to our Crown of England, as depending thereof for ever. And that the Inhabitants of the said Province or Territory, nor any of them, shall at any Time hereafter, be compelled or compellable, or be any ways subject, or liable to appear or answer to any Matter, Suit, Cause, or Complaint whatsoever, out of the Province or Territory aforesaid, in any other of our Islands, Collonies or Dominions in America, or elsewhere, other than in our Realm of England and Dominion of Wales.

And

And because it may happen, That some of the People and Inhabitants of the said Province, cannot in their private Opinions conform to the Publick Exercise of Religion according to the Liturgy, Forms and Ceremonies of the Church of England, or take or subscribe the Oaths and Articles made and established in that Behalf: And for that the same, by reason of the remote Distances of those Places will as we hope, be no Breach of the Unity, and Conformity, Established in this Nation. Our Will and Pleasure therefore is, and We do by these Presents for Us, Our Heirs, and Successors, Give and Grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs and Assigns, full and free Licence, Liberty and Authority, by such Ways and Means as they shall think fit, To Give and Grant unto such Person and Persons, inhabiting, and being within the said Province or Territory, hereby or by the said recited Letters Patents, mentioned to be granted as aforesaid, or any Part thereof, such Indulgencies and Dispensations, in that Behalf, for, and during such Time and Times, and with such Limitations and Restrictions as they the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carterett, Sir John Colleton and Sir William Berkeley*, their Heirs, or Assigns, shall in their Discretion think fit and reasonable. And that no Person or Persons, unto whom such Liberty shall be given, shall be any way molested, punished, disquieted, or called in question for any Differences in Opinion or Practise, in Matters of Religious Concernment, who do not actually disturb the civil Peace of the Province, County or Colony, that they shall make their abode in. But all and every such Person and Persons, may from Time to Time, and at all Times, freely and quietly have and enjoy his and their Judgments and Consciences, in Matters of Religion, throughout all the said Province, or Colony, they behaving them selves peaceably, and not using this Liberty to Licentiousness, nor to the Civil Injury or outward Disturbance of others. Any Law, Statute or Clause contained, or to be contained, Usage or Customs of our Realm of England to the contrary hereof in any wise, notwithstanding.

And

And in Case it shall happen, That any Doubts or Questions should arise concerning the True Sense and Understanding of any Word, Clause, or Sentence, contained in this Our Present Charter, We will, Ordain, and Command, that at all Times, and in all Things, such Interpretations be made thereof, and allow'd in all and every of Our Courts whatsoever, as Lawfully may be Adjudged most Advantageous and Favourable to the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carterett*, *Sir John* *Colleton* and *Sir William* *Berkeley*, their Heirs and Assigns, although Express Mention &c.

Witness our Self at *Westminster*, the Thirtieth Day of *June*, in the Seventeenth Year of our Reign.

Per ipsum Regem.

THE

T H E
Fundamental Constitutions
O F
C A R O L I N A.

OUR Sovereign Lord the King having out of His Royal Grace and Bounty, granted unto us the Province of *Carolina*, with all the Royalties, Proprieties, Jurisdictions and Privileges of a *County Palatine*, as large and ample as the County Palatine of *Durham*, with other great Privileges; for the better Settlement of the Government of the said Place, and establishing the Interest of the Lords Proprietors with Equality, and without Confusion, and that the Government of this Province may be made most agreeable to the Monarchy under which we live, and of which this Province is a Part; and that we may avoid erecting a numerous *Democracy*, we the *Lords and Proprietors* of the Province aforesaid, have agreed to this following Form of *Government*, to be perpetually established amongst us, unto which we do oblige our selves, our Heirs and Successors, in the most binding Ways that can be devised.

§. 1. **T**HE Eldest of the *Lords Proprietors* shall be *Palatine*, and upon the Decease of the *Palatine*, the Eldest of the Seven surviving *Proprietors* shall always succeed him.

§. 2. There shall be Seven other *Chief Offices* erected, viz. The *Admirals, Chamberlains, Chancellors, Constables, Chief-Justices, High-Stewards and Treasurers*; which Places shall be enjoy'd by none but the *Lords Proprietors*, to be assign'd at first by Lot, and upon the Vacancy of any one of the Seven Great Offices by Death, or otherwise, the Eldest *Proprietor* shall have his Choice of the said Place.

§. 3. The whole Province shall be divided into *Counties*; each *County* shall consist of Eight *Signories*, Eight *Baronies*, and Four *Precincts*; each *Precinct* shall consist of Six *Colonies*.

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§. 4. Each

§. 4. Each *Signiory*, *Barony* and *Colony*, shall consist of Twelve Thousand Acres, the Eight *Signiories* being the Share of the Eight *Proprietors*, and the Eight *Baronies* of the *Nobility*, both which Shares being each of them one Fifth part of the Whole, are to be perpetually annex'd the one to the *Proprietors*, the other to the Hereditary *Nobility*, leaving the *Colonies*, being Three Fifths, amongst the People; that so in setting out, and planting the Lands, the *Ballance* of the Government may be preserved.

§. 5. At any Time before the Year One Thousand Seven Hundred and One, any of the *Lords Proprietors* shall have Power to *relinquish*, *alienate*, and *dispose* to any other Person, his *Proprietorship*, and all the *Signiories*, Powers, and Interest thereunto belonging, wholly and intirely together, and not otherwise. But after the Year One Thousand Seven Hundred, those who are then *Lords Proprietors*, shall not have Power to *Alienate*, or *Make over* their *Proprietorship*, with the *Signiories* and Privileges thereunto belonging, or any Part thereof, to any Person whatsoever, otherwise than as in §. 18. but it shall all descend unto their *Heirs Male*; and, for want of *Heirs Male*, it shall all descend on that *Landgrave* or *Cassique* of Carolina, who is descended of the next *Heirs Female* of the said *Proprietor*; and for want of such *Heirs*, it shall descend on the next *Heir general*; and for want of such *Heirs*, the remaining Seven *Proprietors*, shall, upon the Vacancy, chuse a *Landgrave* to succeed the deceased *Proprietor*, who being chosen by the Majority of the Seven surviving *Proprietors*, he and his *Heirs* successively shall be *Proprietors*, as fully to all Intents and Purposes as any of the Rest.

§. 6. That the Number of Eight *Proprietors* may be constantly kept; if upon the Vacancy of any *Proprietorship*, the Seven surviving *Proprietors* shall not chuse a *Landgrave* to be a *Proprietor*, before the Second biennial *Parliament* after the Vacancy; then the next biennial *Parliament* but one, after such Vacancy, shall have Power to chuse any *Landgrave* to be *Proprietor*.

§. 7. Whosoever after the Year One Thousand Seven Hundred, either by Inheritance or Choice, shall succeed any *Proprietor* in his *Proprietorship*, and *Signiories* thereunto belonging, shall be obliged to take the Name and Arms of that *Proprietor* whom he succeeds; which from thenceforth shall be the Name and Arms of his Family and their Posterity.

§. 8. Whatsoever *Landgrave* or *Cassique* shall any way come to be a *Proprietor*, shall take the *Signiories* annex'd to the said *Proprietorship*; but his

his former *Dignity*, with the *Baronies* annexed, shall devolve into the Hands of the *Lords Proprietors*.

§. 9. There shall be just as many *Landgraves* as there are *Counties*, and twice as many *Cassiques*, and no more. These shall be the Hereditary *Nobility* of the Province, and by Right of their *Dignity* be Members of *Parliament*. Each *Landgrave* shall have Four *Baronies*, and each *Cassique* Two *Baronies*, hereditarily and unalterably annexed to, and settled upon the said *Dignity*.

§. 10. The first *Landgraves* and *Cassiques* of the Twelve first *Counties* to be planted, shall be nominated thus; that is to say, of the Twelve *Landgraves*, the *Lords Proprietors* shall each of them separately for himself, nominate and chuse One; and the remaining Four *Landgraves* of the First Twelve, shall be nominated and chosen by the *Palatine's Court*. In like manner of the Twenty Four first *Cassiques*, each *Proprietor* for himself shall nominate and chuse Two, and the remaining Eight shall be nominated and chosen by the *Palatine's Court*; and when the Twelve first *Counties* shall be planted, the *Lords Proprietors* shall again in the same Manner nominate and chuse Twelve more *Landgraves*, and Twenty Four *Cassiques* for the Twelve next *Counties* to be planted; that is to say, Two Thirds of each Number by the single Nomination of each *Proprietor* for himself, and the remaining One Third by the joint Election of the *Palatine's Court*, and so proceed in the same Manner till the whole Province of *Carolina* be set out and planted, according to the Proportions in these *Fundamental Constitutions*.

§. 11. Any *Landgrave* or *Cassique* at any time before the Year One Thousand Seven Hundred and One, shall have Power to alienate, sell, or make over to any other Person, his *Dignity*, with the *Baronies* thereunto belonging, all entirely together. But after the Year One Thousand Seven Hundred, no *Landgrave* or *Cassique* shall have Power to alienate, sell, make over, or lett the Hereditary *Baronies* of his *Dignity*, or any Part thereof, otherwise than as in §. 18. but they shall all entirely, with the *Dignity* thereunto belonging, descend unto his *Heirs Male*; and for want of *Heirs Male*, all entirely and undivided, to the next *Heir general*; and for want of such *Heirs*, shall devolve into the Hands of the *Lords Proprietors*.

§. 12. That the due Number of *Landgraves* and *Cassiques* may be always kept up, if upon the Devolution of any *Landgraveship* or *Cassiqueship*, the *Palatine's Court* shall not settle the devolved *Dignity*, with the *Baronies* thereunto annexed, before the Second biennial *Parliament* after such Devolution, the next biennial *Parliament* but one after such Devolution shall have Power to make any one *Landgrave* or *Cassique* in

the Room of him, who dying without *Heirs*, his *Dignity* and *Baronies* devolved.

§. 13. No one Person shall have more than one *Dignity*, with the *Signiories* or *Baronies* thereunto belonging. But whensoever it shall happen, that any one who is already *Proprietor*, *Landgrave*, or *Cassique*, shall have any of these *Dignities* descend to him by Inheritance, it shall be at his *Choice* to keep which of the *Dignities*, with the Lands annexed, he shall like best ; but shall leave the other, with the Lands annexed, to be enjoyed by him, who not being his *Heir Apparent*, and certain *Successor* to his present *Dignity*, is next of Blood.

§. 14. Whosoever by Right of Inheritance shall come to be *Landgrave* or *Cassique*, shall take the *Name* and *Arms* of his Predecessor in that *Dignity*, to be from thenceforth the *Name* and *Arms* of his Family and their Posterity.

§. 15. Since the *Dignity*, of *Proprietor*, *Landgrave*, or *Cassique*, cannot be divided, and the *Signiories* or *Baronies* thereunto annexed must forever all entirely descend with, and accompany that *Dignity*, whensoever for want of *Heirs Male* it shall descend on the Issue Female, the eldest *Daughter* and *Heirs* shall be preferred, and in the Inheritance of those *Dignities*, and in the *Signiories* or *Baronies* annexed, there shall be no *Co-heirs*.

§. 16. In every *Signiory*, *Barony*, and *Mannor*, the respective Lord shall have Power in his own Name to hold *Court-Leet* there, for Trying of all Causes both Civil and Criminal ; but where it shall concern any Person being no *Inhabitant*, *Vassal*, or *Leetman* of the said *Signiory*, *Barony*, or *Mannor*, he upon paying down of Forty Shillings to the *Lords Proprietors* use, shall have an *Appeal* from the *Signiory* or *Barony Court*, to the *County Court*, and from the *Mannor Court* to the *Precinct Court*.

§. 17. Every *Mannor* shall consist of not less than *Three Thousand Acres*, and not above *Twelve Thousand Acres* in one entire Piece and Colony ; but any *Three Thousand Acres* or more in one Piece, and the Possession of one Man, shall not be a *Mannor*, unless it be constituted a *Mannor* by the Grant of the *Palatine's Court*.

§. 18. The *Lords* of *Signiories* and *Baronies* shall have Power only of granting Estates not exceeding *Three Lives*, or *Thirty One Years*, in *Two Thirds* of the said *Signiories* or *Baronies*, and the remaining Third shall be always *Demesne*.

§. 19. Any Lord of a *Mannor* may alienate, sell, or dispose to any other Person, and his *Heirs* for ever, his *Mannor*, all entirely together, with all the Privileges and *Leetmen* thereunto belonging, so far forth

forth as any other *Colony Lands*, but no *Grant* of any part thereof, either in Fee, or for any longer Term than *Three Lives*, or *One and Twenty Years*, shall be good against the next Heir.

§. 20. No *Mannor*, for want of Issue Male, shall be divided amongst Co-heirs; but the *Mannor*, if there be but one, shall all entirely descend to the eldest Daughter and her Heirs. If there be more *Mannors* than one, the eldest Daughter first shall have her *Choice*, the Second next, and so on; beginning again at the Eldest, till all the *Mannors* be taken up; that so the *Privileges* which belong to *Mannors* being indivisible, the Lands of the *Mannors* to which they are annexed, may be kept entire, and the *Mannor* not lose those *Privileges*, which upon parcelling out to several Owners, must necessarily cease.

§. 21. Every Lord of a *Mannor*, within his *Mannor*, shall have all the Powers, Jurisdictions, and *Privileges*, which a *Landgrave* or *Cassique* hath in his *Baronies*.

§. 22. In every *Signiory*, *Barony*, and *Mannor*, all the *Leet-Men* shall be under the Jurisdiction of the respective Lords of the said *Signiory*, *Barony*, or *Mannor*, without Appeal from him. Nor shall any *Leet-Man* or *Leet-Woman* have Liberty to go off from the Land of their particular Lord, and live any where else, without License obtained from their said Lord, under Hand and Seal.

§. 23. All the Children of *Leet-Men* shall be *Leet-Men*, and so to all Generations.

§. 24. No Man shall be capable of having a *Court-Leet* or *Leet-Men*, but a *Proprietor*, *Landgrave*, *Cassique*, or Lord of a *Mannor*.

§. 25. Whoever shall voluntarily enter himself a *Leet-Man* in the Registry of the County Court, shall be a *Leet-Man*.

§. 26. Whoever is Lord of *Leet-Men*, shall upon the Marriage of a *Leet-Man* or *Leet-Woman* of his, give them Ten Acres of Land for their Lives, they paying to him therefore not more than one Eighth part of all the Yearly Produce and Growth of the said Ten Acres.

§. 27. No *Landgrave* or *Cassique* shall be try'd for any Criminal Cause, in any but the *Chief-Justice's Court*, and that by a Jury of his *Peers*.

§. 28. There shall be *Eight Supreme Courts*. The First called, *The Palatine's Court*, consisting of the *Palatine*, and the other Seven *Proprietors*. The other Seven Courts of the other Seven Great Officers, shall consist each of them of a *Proprietor*, and Six *Councillors* added to him. Under each of these latter Seven Courts shall be a *College* of Twelve *Assistants*. The Twelve *Assistants* of the several *Colleges* shall be chosen; Two out of the *Landgraves*, *Cassiques*, or eldest Sons of
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Proprietors, by the *Palatine's Court*; Two out of the *Landgraves*, by the *Landgraves Chamber*; Two out of the *Cassiques*, by the *Cassiques Chamber*; Four more of the Twelve shall be chosen by the *Commons Chamber*, out of such as have been, or are *Members of Parliament*, *Sheriffs*, or *Justices of the County Court*, or the younger Sons of *Proprietors*, or eldest Sons of *Landgraves* or *Cassiques*; the Two other shall be chosen by the *Palatine's Court*, out of the same Sort of Persons out of which the *Commons Chamber* is to chuse.

§ 29. Out of these *Colleges* shall be chosen at first by the *Palatine's Court*, Six *Councillors*, to be joined with each *Proprietor* in his Court; of which Six, one shall be of those who were chosen into any of the *Colleges* by the *Palatine's Court*, out of the *Landgraves*, *Cassiques*, or eldest Sons of *Proprietors*, one out of those who were chosen by the *Landgraves Chamber*, and one out of those who were chosen by the *Cassiques Chamber*, Two out of those who were chosen by the *Commons Chamber*, and one out of those who were chosen by the *Palatine's Court*, out of the *Proprietors* younger Sons, or eldest Sons of *Landgraves*, *Cassiques*, or *Commons*, qualified as aforesaid.

§ 30. When it shall happen, that any *Councillor* dies, and thereby there is a *Vacancy*, the *Grand Council* shall have Power to remove any *Councillor* that is willing to be removed out of any of the *Proprietors Courts* to fill up the *Vacancy*, provided they take a Man of the same *Degree* and *Choice* the other was of, whose vacant Place is to be filled up. But if no *Councillor* consent to be removed, or upon such Remove, the last remaining vacant Place in any of the *Proprietors Courts*, shall be filled up by the Choice of the *Grand Council*, who shall have Power to remove out of any of the *Colleges*, any *Assistant*, who is of the same *Degree* and *Choice* that *Councillor* was of, into whose vacant Place he is to succeed. The *Grand Council* also shall have Power to remove any *Assistant* that is willing, out of one *College* into another, provided he be of the same *Degree* and *Choice*. But the last remaining vacant Place in any *College*, shall be filled up by the same *Choice*, and out of the same *Degree* of Persons the *Assistant* was of, who is dead or removed. No Place shall be vacant in any *Proprietors Court* above Six Months. No Place shall be vacant in any *College* longer than the next *Session of Parliament*.

§ 31. No Man, being a Member of the *Grand Council*, or of any of the Seven *Colleges*, shall be turned out but for Misdemeanor, of which the *Grand Council* shall be Judge, and the *Vacancy* of the Person so put out shall be filled, not by the Election of the *Grand Council*, but by those who first chose him, and out of the same *Degree* he was of, who

who is expelled. But it is not hereby to be understood, that the *Grand Council* hath any Power to turn out any One of the *Lords Proprietors*, or their *Deputies*, the *Lords Proprietors* having in themselves an inherent original Right.

§. 32. All Elections in the *Parliament*, in the several *Chambers* of the *Parliament*, and in the *Grand Council*, shall be passed by Balloting.

§. 33. The *Palatine's Court* shall consist of the *Palatine*, and Seven *Proprietors*, wherein nothing shall be acted without the Presence and Consent of the *Palatine* or his *Deputy*, and Three others of the *Proprietors* or their *Deputies*. This Court shall have Power to call *Parliaments*, to pardon all Offences, to make Elections of all Officers in the *Proprietors* dispose, and to nominate and appoint *Port-Towns*: And also shall have power, by their Order to the *Treasurer*, to dispose of all publick *Treasure*, excepting Money granted by the *Parliament*, and by them directed to some particular publick Use: And also shall have a Negative upon all Acts, Orders, Votes, and Judgments, of the *Grand Council* and the *Parliament*, except only as in §. 6. and 12. And shall have all the Powers granted to the *Lords Proprietors*, by their *Patent* from Our Sovereign Lord the King, except in such Things as are limited by these *Fundamental Constitutions*.

§. 34. The *Palatine* himself, when he in Person shall be either in the *Army*, or in any of the *Proprietors Courts*, shall then have the Power of *General*, or of that *Proprietor* in whose Court he is then present, and the *Proprietor*, in whose Court the *Palatine* then presides, shall during his presence there be but as one of the *Council*.

§. 35. The *Chancellor's Court*, consisting of one of the *Proprietors* and his Six *Councillors*, who shall be called *Vice-Chancellors*, shall have the Custody of the *Seal* of the *Palatinate*, under which all Charters of Lands or otherwise, Commissions and Grants of the *Palatine's Court*, shall pass. And it shall not be lawful to put the *Seal* of the *Palatinate* to any Writing which is not signed by the *Palatine*, or his *Deputy*, and Three other *Proprietors*, or their *Deputies*. To this Court also belongs all *State Matters*, *Dispatches* and *Treaties* with the Neighbour *Indians*. To this Court also belongs all *Invasions* of the Law, of *Liberty of Conscience*, and all Disturbances of the publick Peace upon Pretence of *Religion*, as also the Licence of *Printing*. The Twelve *Assistants* belonging to this Court shall be called *Recorders*.

§. 36. Whatever passes under the *Seal* of the *Palatinate*, shall be register'd in that *Proprietor's Court* to which the Matter therein contained belongs.

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§. 37. The *Chancellor* or his *Deputy* shall be always *Speaker* in *Parliament*, and *President* of the *Grand Council*, and in his and his *Deputy's* Absence, one of his *Vice-Chancellors*.

§. 38. The *Chief-Justice's Court*, consisting of one of the *Proprietors* and his Six *Councillors*, who shall be called *Justices of the Bench*, shall judge all *Appeals* in Cases both *Civil* and *Criminal*, except all such Cases as shall be under the *Jurisdiction* and *Cognizance* of any other of the *Proprietors Courts*, which shall be tried in those Courts respectively. The *Government* and *Regulation* of the *Registries* of *Writings* and *Contracts*, shall belong to the *Jurisdiction* of this Court. The Twelve *Assistants* of this Court shall be called *Masters*.

§. 39. The *Constables Court*, consisting of one of the *Proprietors* and his Six *Councillors*, who shall be called *Marshals*, shall order and determine of all *Military Affairs* by Land, and all *Land-Forces*, *Arms*, *Ammunition*, *Artillery*, *Garrisons* and *Forts*, &c. and whatever belongs unto *War*. His Twelve *Assistants* shall be called *Lieutenant-Generals*.

§. 40. In time of actual War, the *Constable*, whilst he is in the *Army*, shall be *General* of the *Army*, and the Six *Councillors*, or such of them as the *Palatine's Court* shall for that Time or Service appoint, shall be the immediate great Officers under him, and the *Lieutenant-Generals* next to them.

§. 41. The *Admiral's Court*, consisting of one of the *Proprietors* and his Six *Councillors* called *Consuls*, shall have the Care and Inspection over all Ports, Moles, and Navigable Rivers, so far as the Tide flows, and also all the publick Shipping of *Carolina*, and Stores thereunto belonging, and all *Maritime Affairs*. This Court also shall have the Power of the *Court of Admiralty*; and shall have power to constitute Judges in Port-Towns, to try Cases belonging to *Law-Merchant*, as shall be most convenient for Trade. The Twelve *Assistants* belonging to this Court shall be called *Pro-Consuls*.

§. 42. In time of actual War, the *Admiral* whilst he is at Sea, shall command in Chief, and his Six *Councillors*, or such of them as the *Palatine's Court* shall for that Time and Service appoint, shall be the immediate great Officers under him, and the *Pro-Consuls* next to them.

§. 43. The *Treasurer's Court*, consisting of a *Proprietor*, and his Six *Councillors*, called *Under-Treasurers*, shall take Care of all Matters that concern the publick *Revenue* and *Treasury*. The Twelve *Assistants* shall be called *Auditors*.

§. 44. The

§. 44. The *High-Stewards Court*, consisting of a *Proprietor* and his Six *Councillors*, called *Comptrollers*, shall have the Care of all *Foreign* and *Domestick Trade*, *Manufactures*, *publick Buildings*, *Work-houses*, *High-ways*, *Passages* by Water above the Flood of the Tide, *Drains*, *Sewers* and *Banks*, against *Inundations*, *Bridges*, *Posts*, *Carriers*, *Fairs*, *Markets*, *Corruption* or *Infection* of the common *Air* or *Water*, and all Things in order to the *publick Commerce* and *Health*; Also *Setting out* and *Surveying* of *Lands*; and also *setting out* and *appointing* Places for *Towns* to be built on in the *Precincts*, and the *prescribing* and *determining* the *Figure* and *Bigness* of the said *Towns*, according to such *Models* as the said Court shall order, contrary or differing from which *Models*, it shall not be lawful for any one to build in any *Town*. This Court shall have Power also to make any *publick Building*, or any new *High-way*, or enlarge any old *High-way*, upon any Man's Land whatsoever; as also to make *Cuts*, *Channels*, *Banks*, *Locks*, and *Bridges*, for making *Rivers* Navigable, or for draining *Fens*, or any other publick Use. The Damage the Owner of such Lands (on or through which any such publick Thing shall be made) shall receive thereby, shall be valued, and Satisfaction made by such Ways as the *Grand Council* shall appoint. The Twelve *Assistants* belonging to this Court, shall be called *Surveyors*.

§. 45. The *Chamberlain's Court*, consisting of a *Proprietor* and his Six *Councillors*, called *Vice-Chamberlains*, shall have the Care of all *Ceremonies*, *Precedency*, *Heraldry*, *Reception* of publick *Messengers*, *Pedegrees*, the *Registry* of all *Births*, *Burials*, and *Marriages*, *Legitimation*, and all Cases concerning *Matrimony*, or arising from it; and shall also have Power to regulate all *Fashions*, *Habits*, *Badges*, *Games*, and *Sports*. To this Court also it shall belong, to *convocate* the *Grand Council*. The Twelve *Assistants* belonging to this Court, shall be called *Provests*.

§. 46. All Causes belonging to, or under the Jurisdiction of any of the *Proprietors Courts*, shall in them respectively be tryed, and ultimately determined, without any farther *Appeal*.

§. 47. The *Proprietors Courts* shall have a Power to *mitigate* all *Fines*, and *suspend* all *Executions* in *Criminal Causes*, either before or after Sentence in any of the other *inferior Courts* respectively.

§. 48. In all *Debates*, *Hearings* or *Trials*, in any of the *Proprietors Courts*, the Twelve *Assistants* belonging to the said Courts respectively, shall have Liberty to be present, but shall not interpose unless their *Opinions* be required, nor have any *Vote* at all; but their

Business shall be, by the Direction of the respective Courts, to prepare such Business as shall be committed to them; as also to bear such Offices, and dispatch such Affairs, either where the Court is kept, or elsewhere, as the Court shall think fit.

§. 49. In all the *Proprietors Courts*, the *Proprietor*, and any Three of his Councillors shall make a *Quorum*; provided always, That for the better Dispatch of Business, it shall be in the Power of the *Palatine's Court* to direct what sort of Causes shall be heard and determined by a *Quorum* of any Three.

§. 50. The *Grand Council* shall consist of the *Palatine* and Seven *Proprietors*, and the Forty Two Councillors of the several *Proprietors Courts*, who shall have Power to determine any Controversies that may arise between any of the *Proprietors Courts*, about their respective Jurisdictions, or between the Members of the same Court, about their *Manner and Methods of Proceeding*: To make Peace and War, Leagues, Treaties, &c. with any of the Neighbour Indians: To issue out their general Orders to the *Constable's* and *Admiral's Courts*, for the Raising, Disposing, or Disbanding the Forces by Land or by Sea.

§. 51. The *Grand Council* shall prepare all Matters to be proposed in *Parliament*. Nor shall any Matter whatsoever be proposed in *Parliament*, but what hath first passed the *Grand Council*; which after having been read Three several Days in the *Parliament*, shall by Majority of Votes be passed or rejected.

§. 52. The *Grand Council* shall always be Judges of all Causes and Appeals that concern the *Palatine*, or any of the *Lords Proprietors*, or any Councillor of any *Proprietor's Court*, in any Cause which otherwise should have been tried in the Court in which the said Councillor is Judge himself.

§. 53. The *Grand Council* by their Warrants to the *Treasurer's Court*, shall dispose of all the Money given by the *Parliament*, and by them directed to any particular publick Use.

§. 54. The *Quorum* of the *Grand Council* shall be Thirteen, whereof a *Proprietor* or his *Deputy* shall be always one.

§. 55. The *Grand Council* shall meet the first *Tuesday* in every Month, and as much oftner as either they shall think fit, or they shall be convoked by the *Chamberlain's Court*.

§. 56. The *Palatine*, or any of the *Lords Proprietors*, shall have Power under Hand and Seal, to be registred in the *Grand Council* to make a *Deputy*, who shall have the same Power to all Intents and Purposes

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poses as he himself who deposes him, except in confirming Acts of Parliament, as in §. 76. and except also in Nominating and Chusing Landgraves and Cassiques, as in §. 10. All such Deputations shall cease and determine at the End of Four Years, and at any Time shall be revocable at the Pleasure of the Deputator.

§. 57. No Deputy of any Proprietor shall have any Power whilst the Deputator is in any Part of Carolina, except the Proprietor, whose Deputy he is, be a Minor.

§. 58. During the Minority of any Proprietor, his Guardian shall have Power to constitute and appoint his Deputy.

§. 59. The Eldest of the Lords Proprietors, who shall be personally in Carolina, shall of Course be the Palatine's Deputy; and if no Proprietor be in Carolina, he shall chuse his Deputy out of the Heirs Apparent of any of the Proprietors, if any such be there; and if there be no Heir Apparent of any of the Lords Proprietors above One and Twenty Years old in Carolina, then he shall chuse for Deputy any one of the Landgraves of the Grand Council; and till he have by Deputation under Hand and Seal chosen any one of the forementioned Heirs Apparent or Landgraves to be his Deputy, the Eldest Man of the Landgraves, and for want of a Landgrave, the Eldest Man of the Cassiques, who shall be personally in Carolina, shall of Course be his Deputy.

§. 60. Each Proprietor's Deputy shall be always one of his own Six Councillors respectively; and in case any of the Proprietors hath not in his Absence out of Carolina a Deputy, commissioned under his Hand and Seal, the Eldest Nobleman of his Court shall of Course be his Deputy.

§. 61. In every County there shall be a Court, consisting of a Sheriff and Four Justices of the County, for every Precinct one. The Sheriff shall be an Inhabitant of the County, and have at least Five Hundred Acres of Freehold within the said County; and the Justices shall be Inhabitants, and have each of them Five Hundred Acres apiece Freehold within the Precinct for which they serve respectively. These Five shall be chosen and commissioned from Time to Time by the Palatine's Court.

§. 62. For any Personal Causes exceeding the Value of Two Hundred Pounds Sterling, or in Title of Land, or in any Criminal Cause, either Party, upon paying Twenty Pounds Sterling to the Lords Proprietors Use, shall have Liberty of Appeal from the County Court unto the respective Proprietor's Court.

§. 63. In every *Precinct* there shall be a *Court*, consisting of a *Seward* and Four *Justices* of the *Precinct*, being Inhabitants, and having Three Hundred Acres of Freehold within the said *Precinct*, who shall judge all *Criminal Causes*, except for *Treason*, *Murther*, and any other Offences punishable with *Death*, and except all *Criminal Causes* of the *Nobility*; and shall judge also all *Civil Causes* whatsoever; and in all personal Actions, not exceeding Fifty Pounds *Sterling*, without *Appeal*: But where the Cause shall exceed that Value, or concern a Title of *Land*, and in all *Criminal Causes*, there, either Party, upon paying Five Pounds *Sterling* to the *Lords Proprietors* Use, shall have Liberty of *Appeal* to the *County Court*.

§. 64. No Cause shall be *Twice* tried in any one *Court*, upon any Reason or Pretence whatsoever.

§. 65. For *Treason*, *Murther*, and all other Offences punishable with *Death*, there shall be a Commission, *Twice* a Year at least, granted unto one or more Members of the *Grand Council*, or *Colleges*, who shall come as itinerant Judges to the several *Counties*; and, with the *Sheriff* and Four *Justices* shall hold *Affizes* to judge all such Causes: But upon paying of Fifty Pounds *Sterling* to the *Lords Proprietors* Use, there shall be Liberty of *Appeal* to the respective *Proprietor's Court*.

§. 66. The *Grand-Jury* at the several *Affizes*, shall, upon their Oaths, and under their Hands and Seals, deliver in to the itinerant Judges, a *Presentment* of such *Grievances*, *Misdemeanors*, *Exigences*, or *Defects* which they think necessary for the publick Good of the *County*; which *Presentment* shall by the *itinerant Judges*, at the End of their Circuit, be delivered in to the *Grand Council* at their next Sitting. And whatsoever therein concerns the Execution of Laws already made, the several *Proprietors Courts* in the Matters belonging to each of them respectively shall take Cognizance of it, and give such Orders about it, as shall be effectual for the due Execution of the Laws. But whatever concerns the making of any new Law, shall be referred to the several respective *Courts* to which that Matter belongs, and be by them prepared and brought to the *Grand Council*.

§. 67. For *Terms*, there shall be Quarterly such a certain Number of Days, not exceeding One and Twenty at any one Time, as the several respective *Courts* shall appoint. The Time for the Beginning of the *Term* in the *Precinct Court*, shall be the first *Monday* in *January*, *April*, *July* and *October*; in the *County Court*, the first *Monday* in *February*, *May*, *August* and *November*; and in the

the *Proprietors Courts*, the first *Monday* in *March*, *June*, *September* and *December*.

§. 68. In the *Precinct Court* no Man shall be a *Jury-man* under Fifty Acres of Freehold. In the *County Court*, or at the *Affizes*, no Man shall be a *Grand Jury-man* under Three Hundred Acres of Freehold; and no Man shall be a *Petty Jury-man* under Two Hundred Acres of Freehold. In the *Proprietors Courts* no Man shall be a *Jury-man* under Five Hundred Acres of Freehold.

§. 69. Every *Jury* shall consist of Twelve Men; and it shall not be necessary they should all agree, but the *Verdict* shall be according to the Consent of the *Majority*.

§. 70. It shall be a base and vile Thing to plead for *Money* or *Reward*; nor shall any one (except he be a near Kinsman, not farther off than Cousin-german to the Party concern'd) be permitted to plead another Man's *Cause*, till before the *Judge* in open *Court* he hath taken an Oath, that he doth not plead for *Money* or *Reward*, nor hath nor will receive, nor directly nor indirectly bargain'd with the Party whose *Cause* he is going to plead, for *Money* or any other *Reward* for pleading his *Cause*.

§. 71. There shall be a *Parliament*, consisting of the *Proprietors*, or their *Deputies*, the *Landgraves* and *Cassiques*, and one *Freeholder* out of every *Precinct*, to be chosen by the *Freeholders* of the said *Precinct* respectively. They shall sit altogether in one Room, and have every Member one Vote.

§. 72. No Man shall be chosen a *Member* of *Parliament*, who hath less than Five Hundred Acres of Freehold within the *Precinct* for which he is chosen; nor shall any have a Vote in chusing the said *Member* that hath less than Fifty Acres of *Freehold* within the said *Precinct*.

§. 73. A new *Parliament* shall be assembled the first *Monday* of the Month of *November* every Second Year, and shall meet and sit in the Town they last sat in, without any *Summons*, unless by the *Palatine's Court* they be summon'd to meet at any other Place. And if there shall be any occasion of a *Parliament* in these Intervals, it shall be in the Power of the *Palatine's Court* to assemble them in Forty Days Notice, and at such Time and Place as the said *Court* shall think fit; and the *Palatine's Court* shall have Power to dissolve the *Parliament* when they shall think fit.

§. 74. At

§. 74. At the Opening of every *Parliament*, the first Thing that shall be done, shall be the Reading of these *Fundamental Constitutions*, which the *Palatine* and *Proprietors*, and the Rest of the *Members* then present, shall subscribe. Nor shall any Person whatsoever sit or vote in the *Parliament*, till he hath that Session subscribed these *Fundamental Constitutions*, in a Book kept for that Purpose by the *Clerk* of the *Parliament*.

§. 75. In order to the due *Election* of *Members* for the *Biennial Parliament*, it shall be lawful for the *Freeholders* of the respective *Precincts* to meet the first *Tuesday* in *September* every Two Years, in the same Town or Place that they last met in to chuse *Parliament-Men*, and there chuse those *Members* that are to sit the next *November* following, unless the *Seward* of the *Precinct* shall by sufficient Notice Thirty Days before, appoint some other Place for their Meeting, in order to the *Election*.

§. 76. No *Act* or Order of *Parliament* shall be of any Force, unless it be ratified in open *Parliament* during the same Session, by the *Palatine* or his *Deputy*, and Three more of the *Lords Proprietors*, or their *Deputies*, and then not to continue longer in Force but until the next *biennial Parliament*, unless in the mean time it be ratified under the Hands and Seals of the *Palatine* himself, and Three more of the *Lords Proprietors* themselves, and by their Order publish'd at the next *biennial Parliament*.

§. 77. Any *Proprietor* or his *Deputy* may enter his *Protestation* against any *Act* of the *Parliament*, before the *Palatine* or his *Deputy's* Consent be given as aforesaid, if he shall conceive the said *Act* to be contrary to this Establishment, or any of these *Fundamental Constitutions* of the Government. And in such Case, after a full and free Debate, the several *Estates* shall retire into Four several Chambers, the *Palatine* and *Proprietors* into one, the *Landgraves* into another, the *Cassiques* into another, and those chosen by the *Precincts* into a fourth; and if the major part of any of the Four *Estates* shall vote, that the Law is not agreeable to this Establishment, and these *Fundamental Constitutions* of the Government, then it shall pass no farther, but be as if it had never been proposed.

§. 78. The *Quorum* of the *Parliament* shall be one half of those who are *Members*, and capable of Sitting in the House that present Sessions of *Parliament*. The *Quorum* of each of the Chambers of *Parliament*, shall be one half of the *Members* of that Chamber.

§. 79. To

§. 79. To avoid Multiplicity of Laws, which by Degrees always change the right Foundations of the Original Government; All *Acts of Parliament* whatsoever, in whatsoever Form passed or enacted, shall at the End of a Hundred Years after their Enacting, respectively *cease and determine* of themselves, and without any *Repeal* become null and void, as if no such *Acts* or Laws had ever been made.

§. 80. Since Multiplicity of *Comments*, as well as of *Laws*, have great Inconveniencies, and serve only to obscure and perplex; All manner of *Comments* and *Expositions* on any Part of these *Fundamental Constitutions*, or any Part of the *Common or Statute Law of Carolina*, are absolutely prohibited.

§. 81. There shall be a *Registry* in every *Precinct*, wherein shall be enrolled all *Deeds, Leases, Judgments, Mortgages*, and other *Conveyances*, which may concern any of the *Land* within the said *Precinct*; and all such *Conveyances* not so entred or registred, shall not be of Force against any Person nor Party to the said *Contract* or *Conveyance*.

§. 82. No Man shall be *Register* of any *Precinct*, who hath not at least Three Hundred Acres of Freehold within the said *Precinct*.

§. 83. The *Freeholders* of every *Precinct* shall nominate Three Men, out of which Three the *Chief Justice's Court* shall chuse and commission one to be *Register* of the said *Precinct*, whilst he shall well behave himself.

§. 84. There shall be a *Registry* in every *Signiory, Barony, and Colony*, wherein shall be recorded all the *Births, Marriages, and Deaths*, that shall happen within the respective *Signiories, Baronies, and Colonies*.

§. 85. No Man shall be *Register* of a *Colony* that hath not above Fifty Acres of Freehold within the said *Colony*.

§. 86. The Time of every one's *Age* that is born in *Carolina*, shall be reckoned from the Day that his *Birth* is entred in the *Registry*, and not before.

§. 87. No *Marriage* shall be lawful, whatever *Contract* and Ceremony they have used, till both the Parties mutually own it before the *Register* of the Place, where they were married, and he register it, with the Names of the Father and Mother of each Party.

§. 88. No Man shall administer to the Goods, or have Right to them, or enter upon the Estate of any Person deceased, till his *Death* be registred in the respective *Registry*.

§. 89. He

§. 89. He that doth not enter in the respective *Registry*, the *Birth* or *Death* of any Person that is born, or dies in his House or Ground, shall pay to the said *Register* One Shilling per Week, for each such Neglect, reckoning from the Time of each *Birth* or *Death* respectively, to the Time of *Registring* it.

§. 90. In like manner the *Births*, *Marriages*, and *Deaths* of the *Lords Proprietors*, *Landgraves*, and *Cassiques*, shall be registred in the *Chamberlain's Court*.

§. 91. There shall be in every *Colony* one *Constable*, to be chosen annually by the *Freeholders* of the *Colony*: His Estate shall be above a Hundred Acres of *Freehold* within the said *Colony*, and such subordinate *Officers* appointed for his Assistance, as the *County Court* shall find requisite, and shall be established by the said *County Court*. The Election of the subordinate Annual *Officers* shall be also in the *Freeholders* of the *Colony*.

§. 92. All *Towns Incorporate* shall be governed by a *Mayor*, Twelve *Aldermen*, and Twenty Four of the *Common-Council*. The said *Common-Council* shall be chosen by the present *Housholders* of the said *Town*; the *Aldermen* shall be chosen out of the *Common-Council*, and the *Mayor* out of the *Aldermen* by the *Palatine's Court*.

§. 93. It being of great consequence to the *Plantation*, that *Port-Towns* should be built and preserved; Therefore whosoever shall lade or unlade any *Commodity* at any other Place but a *Port-Town*, shall forfeit to the *Lords Proprietors* for each Tun so laden or unladen, the Sum of Ten Pounds *Sterling*, except only such Goods, as the *Palatine's Court* shall Licence to be laden or unladen elsewhere.

§. 94. The first *Port-Town* upon every *River*, shall, be in a *Colony*, and be a *Port-Town* for ever.

§. 95. No man shall be permitted to be a *Freeman* of *Carolina*, or to have any Estate or Habitation within it, that doth not acknowledge a *God*, and that *God* is publickly and solemnly to be *Worshipped*.

§. 96. As the Country comes to be sufficiently Planted and Distributed into fit Divisions, it shall belong to the *Parliament* to take care for the Building of *Churches*, and the publick Maintenance of *Divines*, to be employed in the Exercise of *Religion*, according to the *Church of England*, which being the only true and *Orthodox*, and the National *Religion* of all the King's Dominions, is so also of *Carolina*, and therefore it alone shall be allowed to receive publick Maintenance by Grant of *Parliament*.

§. 97. But

But since the *Natives* of that Place who will be concerned in our *Plantation*, are utterly Strangers to *Christianity*, whose Idolatry, Ignorance, or Mistake, gives us no Right to expel, or use them ill; and those who remove from other Parts to plant there, will unavoidably be of different Opinions concerning Matters of *Religion*, the *Liberty* whereof they will expect to have allowed them, and it will not be reasonable for us, on this Account, to keep them out; that *Civil Peace* may be maintained amidst the Diversity of Opinions, and our *Agreement* and *Compact* with all Men, may be duly and faithfully observed, the Violation thereof upon what Pretence soever, cannot be without great Offence to *Almighty God*, and great Scandal to the true *Religion* which we profess; and also that *Jews*, *Heathens*, and other *Dissenters* from the Purity of *Christian Religion*, may not be scared and kept at a distance from it, but by having an Opportunity of acquainting themselves with the Truth and Reasonableness of its *Doctrines*, and the Peaceableness and Inoffensiveness of its *Professors*, may by good *Usage* and *Persuasion*, and all those convincing Methods of *Gentleness* and *Meekness*, suitable to the Rules and Design of the *Gospel*, be won over to embrace, and unfeignedly receive the *Truth*; therefore, any seven, or more Persons agreeing in any *Religion*, shall constitute a *Church* or *Profession*, to which they shall give some Name, to distinguish it from others.

§. 98. The *Terms* of *Admittance* and *Communion* with any *Church* or *Profession*, shall be written in a Book, and therein be subscribed by all the Members of the said *Church* or *Profession*; which Book shall be kept by the Publick Register of the *Precinct* where they reside.

§. 99. The *Time* of every ones *Subscription* and *Admittance*, shall be Dated in the said Book, or *Religious Record*.

§. 100. In the *Terms* of *Communion* of every *Church* or *Profession*, these following shall be three, without which no *Agreement* or *Assembly* of Men, upon Pretence of *Religion*, shall be accounted a *Church* or *Profession*, within these Rules:

- I. That there is a *G O D*.
- II. That *G O D* is publickly to be Worshipped.
- III. That it is lawful, and the Duty of every Man, being thereunto called by those that Govern, to bear Witness to Truth; and that every *Church* or *Profession* shall in their *Terms* of *Communion* set down the external Way whereby they witness a Truth as in the Presence of *G O D*, whether it be by laying Hands on, or kissing the Bible, as in the Church of England, or by holding up the Hand, or any other sensible Way.

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§. 101. No

§. 101. No Person above seventeen Years of Age, shall have any Benefit or Protection of the Law, or be capable of any Place of Profit or Honour, which is not a *Member* of some Church or Profession, having his Name Recorded, in some one and but one *Religious Record*, at once.

§. 102. No Person of any other Church or Profession, shall disturb or molest any *Religious Assembly*.

§. 103. No Person whatsoever, shall speak any thing in their *Religious Assembly*, irreverently or seditiously, of the Government or Governments, or State-Matters.

§. 104. Any Person subscribing the Terms of Communion in the Record of the said Church or Profession, before the *Precinct Register*, and any five Members of the said Church or Profession, shall be thereby made a Member of the said Church or Profession.

§. 105. Any Person striking out his own Name, out of any *Religious Record*, or his Name being struck out by any Officer thereunto authorized by each Church or Profession respectively, shall cease to be a Member of that Church or Profession.

§. 106. No Man shall use any reproachful, railing, or abusive Language, against the Religion of any Church or Profession, that being the certain way of disturbing the Peace, and of hindring the Conversion of any to the Truth, by engaging them in Quarrels and Animosities, to the hatred of the Professors and that Profession, which otherwise they might be brought to assent to.

§. 107. Since Charity obliges us to wish well to the Souls of all Men, and Religion ought to alter nothing in any Man's Civil Estate or Right, it shall be lawful for Slaves as well as others, to enter themselves, and be of what Church or Profession any of them shall think best, and thereof be as fully Members as any Freeman. But yet no Slave shall hereby be exempted from that Civil Dominion his Master hath over him, but be in all other Things in the same State and Condition he was in before.

§. 108. Assemblies, upon what Pretence soever of Religion, not observing and performing the abovesaid Rules, shall not be esteemed as Churches, but unlawful Meetings, and be punished as other Riots.

§. 109. No Person whatsoever, shall disturb, molest or persecute another for his speculative Opinions in Religion, or his Way of Worship.

§. 110. Every Freeman of Carolina shall have absolute Power and Authority over his Negro Slaves, of what Opinion or Religion soever.

§. 111. No Cause, whether Civil or Criminal, of any Freeman, shall be Tried in any Court of Judicature, without a Jury of his Peers.

§. 112. No Person whatsoever shall hold or claim any Land in Carolina by Purchase or Gift, or otherwise, from the Natives or any other whatsoever,

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whatsoever, but meerly from and under the *Lords Proprietors*, upon pain of Forfeiture of all his Estate, moveable or immoveable, and perpetual Banishment.

§. 113. Whosoever shall possess any Freehold in *Carolina*, upon what Title or Grant soever, shall at the farthest from and after the Year One Thousand Six Hundred Eighty Nine, pay yearly unto the *Lords Proprietors* for each Acre of Land, *English Measure*, as much fine Silver as is at this present in one *English Penny*, or the Value thereof to be as a *Chief Rent* and *Acknowledgment* to the *Lords Proprietors*, their Heirs and Successors for ever. And it shall be lawful for the *Palatine's Court* by their Officers at any Time, to take a new Survey of any Man's Land, not to oust him of any Part of his Possession, but that by such a Survey the just Number of Acres he possesseth, may be known, and the Rent thereupon due, may be paid by him.

§. 114. All Wrecks, Mines, Minerals, Quarries of Gems, and Precious Stones, with Pearl-fishing, Whale-fishing, and one Half of all *Ambergreece*, by whomsoever found, shall wholly belong to the *Lords Proprietors*.

§. 115. All Revenues and Profits belonging to the *Lords Proprietors*, in common, shall be divided into ten Parts, whereof the *Palatine* shall have three, and each *Proprietor* one; but if the *Palatine* shall Govern by a *Deputy*, his *Deputy* shall have one of these three Tenths, and the *Palatine* the other two Tenths.

§. 116. All Inhabitants and Freemen of *Carolina* above Seventeen Years of Age, and under sixty, shall be bound to bear Arms, and serve as Soldiers whenever the *Grand Council* shall find it necessary.

§. 117. A true Copy of these *Fundamental Constitutions* shall be kept in a great Book by the *Register* of every *Precinct*, to be subscribed before the said *Register*. Nor shall any Person, of what Condition or Degree soever, above seventeen Years old, have any Estate or Possession in *Carolina*, or Protection or Benefit of the Law there, who hath not before a *Precinct Register* subscribed these *Fundamental Constitutions* in this Form :

I A. B. do promise to bear Faith and true Allegiance to our Sovereign Lord King CHARLES the Second, His Heirs and Successors; and will be true and faithfull to the *Palatine* and *Lords Proprietors* of *Carolina*, their Heirs and Successors, and with my utmost Power will defend them, and maintain the Government according to this Establishment in these *Fundamental Constitutions*.

§. 118. Whatsoever *Alien* shall in this Form, before any *Precinct Register* subscribe these *Fundamental Constitutions*, shall be thereby *Naturalized*.

§. 119. In the same Manner shall every Person at his Admittance into any *Office*, subscribe these *Fundamental Constitutions*.

§. 120. These *Fundamental Constitutions*, in Number a hundred and twenty, and every Part thereof, shall be and remain the *Sacred and unalterable Form and Rule of Government of Carolina*, for ever. Witness our Hands and Seals, the First Day of *March*, 1669.

RULES of PRECEDENCY.

1. **T**HE *Lords Proprietors*, the eldest in Age first, and so in order.
 2. **T**he eldest Sons of the *Lords Proprietors*, the eldest in Age first, and so in order.
 3. The *Landgraves* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 4. The *Cassiques* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 5. The seven *Commoners* of the *Grand Council* that have been longest of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 6. The youngest Sons of *Proprietors*, the eldest first, and so in order.
 7. The *Landgraves*, the eldest in Age first, and so in order.
 8. The seven *Commoners*, who next to those before mentioned have been longest of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 9. The *Cassiques*, the eldest in Age first, and so in order.
 10. The seven remaining *Commoners* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 11. The Male Line of the *Proprietors*.
- The rest shall be determined by the *Chamberlain's Court*.

C O P Y

OF THE

Fundamental Constitutions

OF

C A R O L I N A.

Agreed on by all the *Lords Proprietors*, and
Signed and Sealed by them, (the Original
being sent to *CAROLINA* by
Major DANIEL :) *April* the Eleventh, 1698.

OUR LATE SOVEREIGN LORD KING
CHARLES I^{ld}, Having out of his Royal Grace
and Bounty, granted unto Us, the Province of
CAROLINA, with all the Royalties, Properties, Juris-
dictions and Priviledges of a *County Palatine*, as large and ample as the
County Palatine of *Durham*, with other great Priviledges; for the bet-
ter Settlement of the Government of the said Place, and establishing
the Interest of the *Lords Proprietors* with Equality, and without
Confusion; and that the Government may be made most
agreeable to the *Monarchy* under which we live, and of which this
Province is a Part; and that we may avoid erecting a numerous *De-*
mocracy, We the *Lords Proprietors* of the Province aforesaid, with
the advice and consent of the Landgraves and Cassiques and
Commons in this present Parliament assembled, have agreed
to this following Form of Government, to be Perpetually
establish'd

establish'd amongst us, unto which we do oblige our selves, our Heirs and Successors, in the most binding ways that can be devised.

1. **T**HE Proprietor's Court shall consist of the Palatine, and seven Proprietors; wherein nothing shall be acted without the Presence and Consent of the Palatine, and three others of the Lords Proprietors: This Court shall have Power to call and dissolve Parliaments, to pardon all Offences, to make Elections of all Offices in the Proprietor's Disposal, to nominate and appoint Port Towns; and also, shall have Power by their Order, to the Treasurer, to dispose of all publick Treasure, excepting Money granted by the Parliament, and by them directed to some particular publick Use: And also, shall have a Negative upon all Acts, Orders, Votes and Judgments of the Parliament. And shall have all Power granted to the Lords Proprietors, by their Patent, from our Sovereign Lord the King, except in such Things as are limited by these Fundamental Constitutions.

2. DURING the Absence of the Palatine and Proprietors from Carolina, the Governour, commissioned by the Proprietors, together with their respective Deputies, shall be the Proprietor's Court there, and shall have all the Powers above mentioned, excepting in pardoning Offences, and constituting Port-Towns.

3. IN the Proprietor's Court, the Palatine, and any three of the Proprietors or the Governour, and any three of the Proprietor's Deputies shall make a *Quorum*.

4. NO Deputy of any Proprietor shall have any Power, whilst the Deputator is in any Part of Carolina, except the Proprietor (whose Deputy he is) be a *Minor*.

5. DURING the Minority of any Proprietor, his Guardian shall have Power to constitute and appoint his Deputy.

6. THERE shall be a Parliament, consisting of the Proprietors or their Deputies, by themselves, the Landgraves and Cassiques in the upper House, and the Freeholders out of every County, to be chosen by the Freeholders of the said County, respectively; together with the Citizens and Burgesses, to be elected by the Cities and Burroughs (which shall be hereafter created) in the Lower House.

7. AND since all Power and Dominion is most naturally founded in Property, and that it is reasonable that every Man, who is empowered to dispose of the Property and Estate of others, should have a Property of his own, whereby he is tyed in Interest to the Good and Welfare of that Place and Government, whereby he is entrusted with such Power; it is therefore declared and appointed, That no Person shall

shall be admitted, or shall continue to sit or vote in Parliament as a Landgrave, who has not actually taken up, and has in his Possession at least, Acres, part of the Land granted him in his Patent and Slaves, or in the Possession of his Tennants,

Acres of Land. And whose real and personal Estate shall not be worth at least, Pounds : Nor as a Cassique to sit or vote in Parliament, who has not actually taken up, and has in his Possession at least, Acres, Part of the Land granted him in his Patent and Slaves, or in the Possession of his Tenants Acres of Land. And whose real and personal Estate shall not be worth at least, Pounds

8. NO Person shall be admitted, or continue to sit or vote in Parliament as a Representative of the Commons of *Carolina*, who is not possess'd of at least, Acres of Land : And whose real and personal Estate is not worth Pounds.

9. NO Person shall be capable of giving his Voice for the Election of a Member to serve in Parliament, that is not actually possess'd of Acres of Land, and is a Householder, and has a Family, and whose real and personal Estate does not amount to Pounds.

10. THE present Number of the Representatives of the Commons shall be who (as the Country shall encrease) shall also proportionably be encreased, if the Commons do so desire, but shall in no future Time be encreased, beyond one hundred.

11. AND pursuant to that just Maxim of Government above mentioned, and for the Preservation of the Ballance of Power, according to the Proportion of the Property, it is declared and appointed, That the Number of the Representatives of the People to be sent from any County or Place, shall be more or less, according to the Charges born, and Money paid by each Respective Division of the Country, in the last General Assesment foregoing such Election.

12. THE Landgraves and Cassiques who compose the Upper-House, shall not at any time exceed half the Number of the Commons.

13. THE Landgraves and Cassiques shall be created by the Lords Proprietors Letters Patents, under their Great Seal, by the joynt Election of the Proprietors, or a *Quorum* of them, which shall be the Hereditary Nobility of the Province of *Carolina* ; and by Right of their Dignity, be Members of the Upper-House of Parliament, each Landgrave shall have Acres of Land, to be taken up in several Counties and each Cassique Acres of Land to be taken up in several Counties, and the said Honour and Dignity shall descend to the Eldest Son, unless by Deed or Will Devis'd to any other of the Sons, or for want of Sons to the Eldest Daughter ;

unless as aforesaid; and for want of such to the next Heir (which devised as aforesaid by Deed or Will) to be attested by Three credible Witnesses, whereof one at least to be of the Nobility) to any other Person.

14. AND to the End, that such an Order of Persons being made Noble, and invested with great Powers and Privileges, whereby to engage them in a more particular Affection towards this Settlement and Country of *Carolina*, may not fall into Contempt, or be any ways injurious to the Constitution of the Government, It is Declared and Appointed that whatsoever Landgrave or Cassique, his Heirs and Successors, shall not be qualified as in Article 7th, and so be excluded from the aforesaid Privilege of Sitting and Voting in the Upper House, and shall continue defective in the said Qualification for the space of Forty Years successively, such Landgrave or Cassique, his Heirs and Successors shall from thenceforth be for ever utterly Excluded, and his or their Dignity, Honour, Privilege and Title of Landgrave or Cassique shall cease and be utterly lost, and the Letters Patents of Creation of such Dignity shall be vacated.

15. AND in order to the due Election of Members for the Biennial Parliament, it shall be lawful for the Freeholders of the respective *Precincts* to meet the first *Tuesday* in *September* every Two Years, in the same Town or Place they last met in, to choose Parliament-Men, and there to choose those Members that are to sit next *November* following, unless the Proprietors Court shall by sufficient Notice Days before, appoint some other Place for their Meeting.

16. A New Parliament shall be assembled the first *Monday* of the Month of *November* every second Year, and shall meet and sit in the Town they last sat in, without any Summons, unless by the Proprietors Court in *Carolina* they be summoned to meet at any other Place, and if there shall be Occasion of a Parliament in these Intervals, it shall be in the power of the Proprietors Court to assemble them in Days Notice, and at such Time and Place, as the Court shall think fit.

17. AT the Opening of every Parliament, the first thing that shall be done, shall be the Reading of these Fundamental Constitutions, which the Palatine and the Proprietors, and the Members then present, shall subscribe; Nor shall any Person whatsoever sit or Vote in the Parliament, till he has in that Session subscribed these Fundamental Constitutions, in a Book kept for that purpose, by the Clerk of the Parliament.

13. ANY

18. ANY Act or Order of Parliament that is Ratified in Open Parliament, during the same Session, by the Governor and Three more of the Lords Proprietors Deputies, shall be in Force, and continue till the Palatine himself and Three more of the Lords Proprietors themselves signify their Dissent to any of the said Acts or Orders, under their Hands and Seals. But if Ratified, under their Hands and Seals, then to continue according to the time limited in such Act.

19. THE whole Province shall be divided into Counties by the Parliament.

20. NO Proprietor, Landgrave or Cassique, shall hereafter take up a Signory or Barony that shall exceed Four Thousand Acres or thereabouts for a Proprietor or Landgrave; and Two Thousand Acres or thereabouts, for a Cassique in one County.

21. NO Cause, whether Civil or Criminal, of any Freeman, shall be tryed in any Court of Judicature, without a Jury of his Peers.

22. NO Landgrave or Cassique shall be tryed for any Criminal Cause in any but the Chief Justices Court, and that by a Jury of his Peers, unless a sufficient Number of such cannot be legally had, and then to be supplied by the best and most sufficient Free-holders.

23. IF upon the Decease of the Governor, no Person be appointed by the Lords Proprietors to succeed him, then the Proprietors Deputies shall meet and choose a Governor, till a new Commission be sent from the Lords Proprietors, under their Hands and Seals.

24. BALLOTING shall be continued in all Elections of the Parliament, and in all other Cases where it can conveniently be used.

25. NO Man shall be permitted to be a Freeman of *Carolina*, or to have any Estate or Habitation within it, that does not acknowledge a GOD, and that GOD is publickly and solemnly to be Worshipped.

26. AS the Country comes to be sufficiently planted and distributed into fit Divisions, it shall belong to the Parliament to take care for the Building of Churches, and the publick Maintenance of Divines to be employed in the Exercise of Religion, according to the Church of *England*, which being the only True and Orthodox, and the National Religion of the King's Dominions, is so also of *Carolina*, and therefore it alone shall be allowed to receive publick Maintenance by Grant of Parliament.

27. ANY seven or more Persons agreeing in any Religion, shall constitute a Church or Profession, to which they shall give some Name to distinguish it from others.

28. THE Terms of Admittance and Communion with any Church or Profession, shall be written in a Book, and therein be subscribed by

all the Members of the said Church or Profession, which shall be kept by the publick Register of the *Precinct* wherein they reside.

29. THE Time of every one's Subscription and Admittance, shall be dated in the said Book of Religious Records.

30. IN the Terms of Communion of every Church or Profession, these following shall be three, without which no Agreement or Assembly of Men upon Pretence of Religion shall be accounted a Church or Profession, within these Rules :

I. *That there is a GOD.*

II. *That GOD is publicly to be Worshipped.*

III. *That it is lawful, and the Duty of every Man, being thereunto called by those that govern, to bear Witness to Truth, and that every Church or Profession shall in their Terms of Communion set down the external Way whereby they witness a Truth as in the Presence of God, whether it be by Laying Hands on, or Kissing the Bible, as in the Church of England, or by holding up the Hand, or any sensible way.*

31. NO Person above Seventeen Years of Age, shall have any Benefit or Protection of the Law, or be capable of any Place of Profit or Honour, who is not a Member of some Church or Profession, having his Name recorded in some one, and but one Religious Record at once.

32. NO Person of any Church or Profession shall disturb or molest any Religious Assembly.

33. NO Person whatsoever shall speak any thing in their Religious Assembly, irreverently or seditiously of the Government or Government, or of State-Matters.

34. ANY Person subscribing the Terms of Communion in the Records of the said Church or Profession before the *Precinct Register*, and any Five Members of the said Church or Profession, shall be thereby made a Member of the said Church or Profession.

35. ANY Person striking out his own Name out of any Religious Records, or his Name being strack out by any Officer thereunto Authorized by each Church or Profession respectively, shall cease to be a Member of that Church or Profession.

36. No

36. NO Man shall use any reproachful, reviling or abusive Language against the Religion of any Church or Profession, that being the certain Way of disturbing the Peace, and of hindering the Conversion of any to the Truth, by engaging them in Quarrels and Animosities, to the Hatred of the Professors and that Profession, which otherwise they may be brought to assent to.

37. SINCE Charity obliges us to wish well to the Souls of all Men, and Religion ought to alter nothing in any Man's Civil Estate or Right, It shall be lawful for Slaves as well as others, to enter themselves, and be of what Church or Profession any of them shall think best, and thereof be as fully Members as any Freeman; but yet no Slave shall hereby be exempted from that Civil Dominion his Master had over him, but be in all other Things in the same State and Condition he was in before.

38. ASSEMBLYS upon what Pretence soever of Religion, not observing and performing the abovesaid Rules, shall not be esteemed as Churches, but Unlawful Meetings, and be punished as other Riots.

39. NO Person whatsoever shall disturb, molest or prosecute another for his Speculative Opinions in Religion, or his way of Worship.

40. EVERY Freeman of Carolina shall have Absolute Power and Authority over his Negro Slave, of what Opinion or Religion soever.

41. ANY Person at his Admittance into any Office or Place of Trust whatsoever, shall subscribe these *Fundamental Constitutions* in this Form: -

I A. B. do promise to bear Faith and true Allegiance to our Sovereign Lord King WILLIAM, and will be true and faithful to the Palatine and Lords Proprietors of Carolina, their Heirs and Successors, and with my utmost Power will defend them, and maintain the Government according to this Establishment, in these Fundamental Constitutions.

THESE

60 *The Fundamental Constitutions of Carolina.*

THESE *Fundamental Constitutions* in Number Forty One, and every Part thereof shall be and remain the Inviolable Form and Rule of Government of *Carolina*, for Ever. Witness our Hands and Seals, this Eleventh Day of April, 1698.

BATH PALATINE.

A. Ashley.

CRAVEN.

BATH *for the*
Lord Carterett.

William Thornburgh
for Sir John Colleton.

Tho. Amy.

William Thornburgh.

F I N I S.

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